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Aberdeenshire. — Courts : Sheriff Court.

Records
of the
Sheriff Court of Aberdeenshire

Edited by
David Littlejohn, LL.D.
Advocate in Aberdeen
Sheriff Clerk of Aberdeenshire

Vol. I.
Records prior to 1600

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Preface

The Club owe the inception of this volume to the recruiting zeal and persuasiveness of their Secretary. There was some talk, a few years ago, of the production, under the auspices of the Club, of the records of the Fiars Courts of the County. After a beginning had been made with that end in view, Mr. Anderson said to the writer, "The Fiars will not make a book. Why not attack the whole records of the Sheriff Court?" In a moment of weakness the writer agreed to try, and after learning to read the older books, went through the Books of Court (not the Registers) from 1503 to 1800, making notes and extracts by the way. It was found necessary, however, to confine the first volume to the half dozen books dating from the 16th century, and the volume now issued is the result. No responsibility attaches to the writer for the value or otherwise of the contents. Nothing could be produced except what was in the originals. For arrangement, selection, and accuracy, he fears he must accept responsibility: but is confident that, whether he has done well or ill in these respects, he can rely upon being judged, not as an expert, but as a tyro in this field.

Many friends and professional brethren have been kindly and sympathetic, and the writer desires to thank them all. He desires specially to acknowledge the generous encouragement and sympathy of the Sheriff of the County, Mr. Donald Crawford, K.C., himself the contributor of a valuable volume to the Scottish History Society. His warm thanks are also due to Mr. A. M. Munro, F.S.A. (Scot.), who helped the writer over many a stile. It is very difficult to find adequate terms to express the writer's

deep indebtedness to Mr. P. J. Anderson, the Secretary of the Club, whose never-failing patience he has sorely tried, but without the aid of whose counsel and experience the task would long ere now have been entirely abandoned.

Of the many printed books which have been consulted in piecing together the second part of the volume, none have been more useful than the issues of the old Club, and especially those which it owed to that pioneer and master in the field of local antiquarian research, the late Dr. Joseph Robertson.

D. L.

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General Introduction

It has been suggested by the Secretary of the Club that besides writing, according to use and wont, a few introductory sentences dealing with the contents of the volume which follows, the writer should endeavour to give some information to the members of the Club regarding the whole existing Records in the custody of the Sheriff Clerk. In accordance with this view, and as a suitable way of giving effect to it, it may be convenient to divide the introduction into three separate heads, viz. :—

The whole existing Records.

The six Books of Court dealt with in this volume.

The Officials of Court, 1221-1600.

The Whole Existing Records.

A List or Inventory of the contents of the Record Hall of the Sheriff Court of the County of Aberdeen was printed in 1890 [Mr. P. J. Anderson's *Charters relating to the Burgh of Aberdeen*, pp. 425-432]. It is proposed to supplement that List by some description, more or less general, of the contents of the Record Hall, or, in other words, to put a little flesh on the dry bones.

Mr. Anderson's Inventory was based upon an Inventory and Report of 1852, but several earlier Inventories have been found. Of these, three refer exclusively to the Sheriff and two to the Commissary Court. The earliest of the Sheriff Court Inventories is dated 1764. In that year John Gordon of Craig, having received a commission from the Honble. Andrew Fletcher

of Milton, one of the Senators of the College of Justice, and Keeper of the Signet in Scotland, appointing him Sheriff Clerk in conjunction with John Durno, Advocate in Aberdeen, applied to the Sheriff to arrange for their taking over, under judicial authority, from George and Robert Turner, the retiring Clerks, the whole records of the Court. The Sheriff granted a warrant for this being done, and a very elaborate Inventory, extending to upwards of 420 pages was compiled. At the end of the Inventory there is a receipt by Gordon for himself and Durno, for all that had been delivered to them, and an obligation by the retiring Clerks to relieve their successors of any responsibility for such writs as had not been found. A list of the missing documents from 1700 to the date of the Inventory is contained on the first five pages of it, and a complete list of extracted and unextracted decrees and warrants from 1700 follows, covering some 400 pages. After these is a list of Bail Bonds and cognate writings extending to 10 pages, while 3 pages contain all the Books of Court mentioned. No book of an earlier date than 1630 is mentioned, and the examination of writings and processes was specially limited to the year 1700 and succeeding years. To investigators, this Inventory is of no practical value, inasmuch as extremely few of the names are followed by designations.

This brings us to the second Inventory.

On 1st January, 1808, Mr. Thomas Thomson, Depute Clerk Register, and sub-commissioner under the Commissioners on the Public Records of the Kingdom, called upon the Sheriff Clerk of Aberdeenshire to prepare and furnish a general Inventory of the Records under his charge. The part of Mr. Thomson's letter referring to this was in the following terms :—" In pursuance of an order of the Right Honourable His Majesty's Commissioners on the Public Records of the Kingdom, I have to desire that you

will forthwith prepare an exact General Inventory of the Records under your custody and care, distinguishing the several sorts of Records from one another; and exhibiting in a distinct series, the volumes, books, or bundles, of each sort that are preserved in your office. To enable you the more clearly to understand the nature of this Inventory, and at the same time to facilitate the execution of the work, there are herewith sent to you schedules or forms, in regular columns, which you are to fill up with the necessary numbers and dates; and, in the column entitled "Remarks," you are to mention such circumstances as may be requisite for understanding the present state of each volume, i.e., as to its regularity of compilation, its completeness, preservation, binding, and whatever else you may yourself consider as deserving of notice."

From the Sheriff Clerk's letter, forwarding his schedule and report, we quote the following:—"In answer to your letter of the 1st curt., desiring me to prepare an exact general Inventory of of the Records under my custody and care, distinguishing the several sorts of Record from one another, and exhibiting in a distinct series the volumes, books, or bundles of each sort that are preserved in my office, I have to state that, in the year eighteen hundred, a report was made by me in consequence of an order of a committee of the House of Commons, of date the twenty-eighth of February, signed by Charles Abbot, Esquire, specifying the exact state of the different Records under the charge of the Sheriff Clerk in this County, to which report I beg leave now to referr, as the same answers in many points the enquiry now made.

I have, however, agreeably to your directions, filled up in the enclosed schedules sent me, and herewith send you the same with such remarks as occurred to me to be requisite and proper therein."

This correspondence and the Sheriff Clerk's Schedule and Report are copied into the volume containing the Inventory of 1764, the originals being in the Register House in Edinburgh. This document is, however, a mere abstract, and while it makes mention of older books and writings than the Inventory of 1764, it differs in material respects from the third Inventory or Report which was made up in 1852. In that year Mr. Nathaniel Farquhar, Advocate in Aberdeen, having received the appointment of Sheriff Clerk on the death of Mr. James Gordon of Craig, he and Mr. Francis Gordon, the representative of the late holder of the office, following the procedure of 1764, made a joint application to the Sheriff to appoint a judicial examination of the Records. The Sheriff granted a remit to Messrs. William Simpson and Francis Clerihew, Advocates in Aberdeen, and their M.S. report, covering 45 pages, was lodged in 1853. At that date the Sheriff Clerk's office and the Records of the Court were located in what was known as the Record Office in King Street (now occupied as Tax Offices), to which they had been transferred about 1833. No Inventory has been found at the time of the appointment of Mr. Farquhar's successor in 1861, and none was made up when the writer entered upon office in 1884.

Another change of locus, however,—the third, it is believed, in the course of a century, certainly the second in the course of less than half a century—took place in 1872, when the Records were transferred to the existing Record Hall. Knowing well how fully the Sheriff Clerk's staff were employed in their daily work, it is no reflection on them to say that this transference, which might have been made the occasion of a very thorough and orderly arrangement of all the various material, was not utilized in that way quite so fully as it might have been. It thus happened that the comparison of the Report of 1852, on which Mr. Anderson's

print is based, with the actual contents of the present Record Hall was not an altogether simple or quite satisfactory piece of work.

Various differences and discrepancies in detail are found between all these Inventories or Reports, as has been already indicated.

The two Inventories having reference to the Commissary Court are (1) an Inventory of the Deeds and Writings from 1722 to 1809, delivered by the Commissary Clerk to the Sheriff Clerk in the latter year; (2) Inventory of Warrants and Extract Decrees, 1722-1823, besides several Minute Books. It is not necessary to notice these further at present than to say that the designations of the parties are frequently added to the names, so that, given an approximate date, a search would be comparatively simple.

Akin to Inventories are the Minute Books containing lists of deeds presented for registration. Of these there is in the custody of the Sheriff Clerk a series commencing in 1630. There are several gaps in the series, and the entries previous to 1690 are of names only, without designations, except in the case of prominent land owners, who are designed by their lands, e.g., L. [Laird] Echt, L. Abirzeldie, L. Delgatie, L. Wardes, L. Caskieben, etc., etc. For purposes of search, therefore, the earlier volumes of this series are defective; but from about 1690, when the designations of the parties began to be occasionally, but not systematically, added, a good deal in the way of identification of individuals may be taken from these Minute Books, without going beyond them.

Besides being of assistance to searchers for genealogical or other information, there is obtainable from these volumes, and that without much difficulty, a bird's eye view both of the extent and nature of the registrations that were effected, and this is by

no means devoid of interest. A few figures, not warranted to be absolutely, but certainly approximately, accurate, may be given to indicate the extent to which the register was used, and how the amount of business seems to have varied according to the state of the political atmosphere. Taking first the period of twelve years from 1631 to 1642 inclusive. During these years there were some 2550 registrations in all, giving a yearly average of about 211, with maxima of 340 and 354 in 1633 and 1634 respectively, and a minimum of 106 in 1639, of which only 26 were applicable to the first six months of that year.[1] Coming to the period of the protectorate or English domination, we find that, while the entries for the last four months of 1651 numbered only 40,[2] the figures quickly rose to a maximum of 480 in 1656, with an average for 1657, 1658, and the first six months of 1659, of about 440 per annum. The numbers for August, September, October, and November of that year, however, were respectively 3, 0, 1, 5, when they ceased until August, 1660, when three entries occur followed by the following somewhat curious memorandum. "*Note.*—Registrations ends till Junii 1661 thus his Maiestie was happilie restored." To what the word "thus" is meant to refer is not by any means clear; but the general import of the memorandum would seem to show that, in the writer's mind, political events had a connection with, or influence upon, registrations. The three solitary entries on 11th August, 1660, which immediately precede the Clerk's note, were a Discharge dated 10th August by Alexander Burnet of Countesswells to Sir Alexander Burnet of Leys of the sum of 10,000 merks in part payment of a debt of 20,000 merks,[3] the witnesses to which were

1 The citizens, during the first three months of 1639, were preparing to resist Montrose who entered the town on 30th March, to be followed by the Royalists very shortly afterwards.

2 Cromwell's troops took possession of Aberdeen on 7th September, 1651.

3 Vide *Family of Burnet of Leys*, p. 73.

Mr. Robert Burnet, elder, Advocate, of Crimond, Mr. Robert Burnet, younger, Advocate, Mr. Gilbert Burnet, son of the said Mr. Robert Burnet, and James Smith, younger, Merchant, Burgess of Aberdeen. The clause of registration was in these wide terms—"consenting for the mair securitie their presents be insert and registrat in the bookes of any judicatorie competent within this kingdome." The other two deeds contained the disposal (apparently inter vivos) by a William Forsyth of Peterhead, among his family of certain portions of his moveable estate, and of a heritable property in Peterhead.

Returning from this digression to the number of entries, there appear to have been in the nine years, 1666-74 inclusive, nearly 5,000, with a minimum of 336 in 1666, and a maximum of 667 in 1673. The next period for which a Minute Book has been found is 1686-95, the outstanding feature of which is the extraordinary drop of the numbers in 1689, the year of Killiecrankie. The numbers in 1687 and 1688 respectively were 474 and 437, falling in 1689 to 157, with a rise in 1690 to 446. Still more remarkable are the figures for the months from March to September, 1689, inclusive, when only 28 deeds were presented. Did space permit, the same line of enquiry might be followed out in the 18th century, but it is necessary to pass at this point from the extent to the nature of the registrations.

By far the greater part of these were of Obligations or Personal Bonds, many of them for money advanced on loan, and many for the settlement of the price of goods or merchandise purchased. The natural result of the legislation of 1681 and 1695, legalizing the use of summary diligence for the recovery of sums contained in Bills of Exchange, was to bring about in mercantile transactions the gradual substitution of Bills for Bonds: but the change was slow to come in Aberdeenshire. The first

Protest of a Bill was recorded, as far as has been observed, in January, 1699, and a good many years of the 18th century had passed before the practice became at all general. Although acknowledgements of indebtedness and obligations to repay constituted by far the largest number of writs put on record, examples of most other kinds of legal documents are found, excepting, of course, those constituting real rights in land, and, until modern times, testamentary writings, which last of old found their way into the books of the Consistory or Commissary Court. Examples of Discharges, Assignations, Translations, Dispositions of Moveables, Leases, Submissions and Decrees Arbitral, Indentures, and Marriage and other contracts occur in considerable numbers, and many of these must be of much interest. It will, therefore, be obvious that there is shadowed out in these Minute Books a field for investigators, both extensive and interesting. There are various other Minute Books as may be seen in the Inventory: but it is impossible to deal with them in detail in this place.

Passing, therefore, from Inventories and Minute Books to their subject matter, the first great general classification of the mass of material, which has been accumulating during three or four centuries, may be stated thus:—I. Deeds and Writings; II. Processes; and III. Books. Other sub-divisions may be alluded to later, but first of these in their order.

I. Deeds and Writings.

(1) Deeds.

Of those handed in to the Sheriff Clerk for registration, there are bundles for almost every year continuously since 1606, while of those handed in to the Commissary Clerk there are bundles for every year from 1722 to 1809. During the lengthened periods for which no Registers of Deeds exist, the originals themselves

are all important, and even when both the deed and the record of it are found, the former may be frequently important for the purpose of identification of signatures and other reasons. An instance may be given occurring in the early years of the 17th century. We find a John Gordon of Boigis or Boggis officiating as a Sheriff-depute at that period; but we also find a John Gordon of Tilligrig filling the same office. In the Registers of Deeds there is nothing to show whether there were two different persons or one person under different designations; but when the deeds themselves are examined, it becomes clear from a comparison of the signatures to the docquets on the deeds that John Gordon of Boigis and John Gordon of Tilligrig are one and the same person. In the case of the Commissary Court, the deeds alone are in Aberdeen, the books being in Edinburgh. It has been said that there are bundles of deeds for every year, and these ought to correspond with the entries in the Minute Books; but it is impossible to affirm that these bundles now contain all the deeds originally handed in for the periods which they represent. And this will certainly be found to be the case between 1698 and 1868, during which period it was allowable for the ingivers to receive back all writings falling under the description of probative writs, after they had been recorded.

(2) Writings.

Under this head may be classed Judicial Bonds, of which there are bundles for every year from 1734 to date. These are for the most part Bonds of Caution in Law-borrows, Bonds of Caution that accused persons should appear and take their trial, and such like. The Bonds in the bundles do not, of course, represent anything like the numbers of those originally granted, many of which must have been discharged and given up. Even

in cases, however, when that has been done, the petitions and proceedings thereon are sometimes found, and these may be more interesting than the Bonds themselves.

It was made compulsory by the Act of Parliament, 1672, c. 2, for tutors and curators to give up Inventories of the heritable and moveable estate of their wards, and there are specimens of these from about 1682 onwards. A cursory examination of one or two of the older Inventories was made, and as an example may be mentioned the "Inveture of the Writts, Evidents, Bonds, Compts and ticketts with the soumes therein contained," belonging to Charles Earl of Aboyne, given up by John Gordon of Rothiemay, his tutor testamentar, on 9th December, 1682, which contains a list of 136 titles and documents of debt.

Bundles of Proceedings in the Services of Heirs, from 1649 to 1851, are full of interesting matter.

Another bundle, consisting of Minutes of County Meetings and other documents, connected with the election of Members of Parliament, has been sifted out of a mass of loose papers by the writer, dealing with the elections of 1761, 1768, 1774, 1780, 1784, 1786, 1790, and 1812; and there may be more of these in the Hall not identified or labelled.

These examples are far from exhausting the list, and, indeed, the old condemned cell under the East Tower of the County Buildings is at present the receptacle for a great quantity of large packages of papers, the contents of which no one seems to know; but probably there is nothing there earlier than the end of the 18th century.

II. Processes.

With these many shelves are laden and cupboards filled, but no one now living has examined them closely, and there are

probably not many processes older than 1700 on the civil side, and none before 1795 on the criminal side of the Court.

III. Books.

These consist of several hundred MS. volumes, and cover the period (not, however, without several long breaks) from the first decade of the 16th century to the present time. They may be classified as (1) Books of Court; (2) Registers. Taking the latter first, we find that the earliest existing volume was begun in 1606, that there are 32 volumes from the 17th century, only 3 from the 18th,[1] and 165 between 1809 and the present time. For the periods which they cover, the contents of these volumes should correspond with the Minute Books and Deeds already noticed.

To the first class, or Books of Court, belong the oldest existing books, there being six of these from the 16th century, and one beginning in the 16th and ending in the 17th. The numbers increase materially in the 17th century, from which we have 35 volumes with some measure of specialization. The numbers are much greater in the 18th century, and it may be said that after 1750 the Court Books are quite complete. It is not to be assumed that the makers of the earlier books gave them the precise titles which they now bear. The following statement occurs in the report of 1853, "It was explained to us with reference to these books, which are now in an excellent state of preservation, that they were received by the late Sheriff Clerk in a loose, tattered, and decaying state; that several years ago he had them carefully repaired and bound up, with the sanction of the County." On

1 It is possible to determine whether gaps occur by the loss of books, or from none having been kept, by the presence or absence of the word "Buikit" or "Booked" on the back of the deeds themselves, and it is quite obvious that, for a very long period, no registration was carried out.

various of the new fly leaves can be decerned the water mark of 1832 and years about that time. With the new binding, some of the older books apparently received what the Sheriff Clerk deemed the appropriate titles, and some of these are a little misleading; e.g., a volume, entitled "Diet Book, 1598 to 1621," contains nothing but the Head Courts for that period. Still more seriously misleading is the title "Diet Book, 1603 to 1622," when the contents actually consist of the Court entries for a part only of 1603, while in the remainder of the volume are chronicled the whole services, and tutorial and curatorial appointments, carried through in the Court from 1600 to 1622. So far as one can judge, this title misled Dr. Joseph Robertson, for the writer has not seen a reference to any of the services in that wonderful work, the *Antiquities of Aberdeen and Banff*.

The official title by which these books appear to have been known in the old time, when the Latin language was in common use among lawyers, was either "Libri curiarum vicecomitis de Aberdeine," or "Libri actorum curiae vicecomitatus de Abirdene," and, when the editors of the volumes of the old Spalding Club quoted from them, they referred to them by the latter title. In doing so, they followed the language of Mr. William Anderson, Sheriff Clerk of Aberdeenshire, 1597-1630, who, in his docquet to the extract of the proceedings of the Court which fixed the rental of the county for war taxation in 1549,[1] began with the words, "Extractum ex libro actorum curie vicecomitatus de Abirdene." At a later period, one finds them called sometimes the "Buiks of this Auditorie," but most commonly, as now, the Sheriff Court Books.

The oldest of the books now in existence dates from 1503, and the question which it first occurs to an investigator to ask is

1 Infra, p. 254.

this, "Did there ever exist before that period any record in book form of the proceedings of the Sheriff Court of Aberdeenshire, or is this the earliest?" It is perfectly well known that records were made of the doings of the Court long before that date, and copies or notes of these may still be found in the public records, or in the many valuable volumes relating to the county which have been published. Head Courts and Inquests were held long before the beginning of the 16th century, of which record must have been and was made, and the Sheriff's accounts were from time to time given in to Exchequer. Did these and the records of such litigation and criminal work as was got through, ever go beyond the fugitive form of separate papers or jottings previous to 1503? To this question an affirmative answer can be given, for there is evidence of the existence of a Court Book in 1491; but it may be safely assumed that the volume of 1503 is a very early example of such records as were put together in book form.

It is possible that we owe the fulness and completeness of this volume to the stirring of the waters in the matter of judicial reform that took place at this period. There certainly was an outburst of legislative activity in this direction about the year 1503, and it is matter of history that James IV., who was nothing if not energetic, visited Aberdeen and the North about 1505 to see to the carrying out of the reforms.

Seeing that only six volumes have come down to us relating entirely to proceedings in the 16th century, in which only seventeen or eighteen years in that century are accounted for, other questions that naturally arise are these—"Did others ever exist for the period in question? If so, what has become of them, and is there any chance now of any of them being found?" To the first of these questions an affirmative answer may be given.

From what has been said above, it clearly appears that a Diet

Book of Court was kept for some period embracing the year 1549, and it is only a reasonable inference that it was the general practice to keep such books in the 16th century. It may be doubted, however, whether it was so for the period immediately following Flodden, 1513. The whole country was so utterly disorganised, and so many of the leading men, including the Sheriff of Aberdeenshire, were slain, that it would not be surprising if all legal progress got a rude set back at that time.

Besides the evidence regarding the Court Book of 1549, various items have been found proving the existence of other volumes. In a case on 1st February, 1573 (4), a contract was produced which had been registered in the "Shref Buikis of Abirdeine" on 29th January, 1564 (5). The Marriage Contract of Alexander Menzes and Christian Lumsden, dated 5th July, 1568, was recorded in the "Shreff Buikis of Abirdeine. A title page prefixed to the volume of 1573-6 bears the date 1570, and a written obligation was, on 19th May, 1596, ordained to be registered in the "Confessit Buiks of this Auditorie." Other instances might be referred to, but these are sufficient.

The second question as to the fate of the missing books may also be answered with a certain degree of confidence, and the answer is that they were treated by some of the officials as their own private property, and retained by them when they ceased to hold office. This was what happened to the Diet Book of 1549, because, in the docquet to the extract already referred to, the Sheriff Clerk used these words, "qui liber est in manibus Joannis Leslie de Balquhane, quondam vicecomitis dicti vicecomitatus," proving that fifty or sixty years after its date the volume was in the possession of the Balquhain family. We seem to owe our knowledge of the existence of this Diet Book of 1549 to a somewhat singular circumstance. At some period during the tenure

of office of Mr. William Anderson, Sheriff Clerk, already mentioned, an occasion must have arisen requiring that an Extract of the proceedings in 1549 should be made. There is, indeed, evidence that a Taxed Roll of the Sheriffdom was made up in 1613, and given in to the Commissioners of Parliament on January 21st of that year, which was subscribed by Mr. Anderson. It is more than likely, therefore, that for the purpose of making the new taxed roll, it was found necessary to refer to the valuation of 1549, and that so, the Sheriff Clerk, having made the Extract from the old Diet Book (which, as we have seen, had to be borrowed by him from Balquhain for the purpose), thought it wise to secure that a copy should be kept. Finding a few vacant leaves at the end of the Diet Book, 1573-6, which was in his hands and has come down to us, he caused the Extract to be copied into that volume, and in this curious way has this most valuable and interesting document been preserved.

In corroboration of the view that the books were claimed and treated by the officials as their own, reference may be made to the title page prefixed to the Diet Book of 1573-6 quoted in the short introduction to that volume, and also to the case of Blak *v.* Philp in 1584, where various diligences were granted against Leslie of Balquhain and others for recovery of Court Books of an earlier date.

The conclusion which has been arrived at from the foregoing and other items of evidence pointing in the same direction is, that, unless they have been destroyed in ignorance of their character, or have perished by lapse of time and want of being cared for, some of these volumes may still be found, by persons capable of identifying them, in the Charter rooms of some of the old county families. Although this has been written specially of the missing books of the 16th century, it may be held to apply to

the 17th century also, when a number of books are obviously missing.

The Six Books of Court dealt with in this volume.

The method of editing these books which has been adopted is very simple. In the case of each book, a table of its contents has been prepared, preceded by a short introductory description, and followed by illustrative examples selected from among the contents and classified according to their subjects. A volume was written on a different plan which covered more ground and might possibly have been slightly less dry, but as a book of reference, it would have been of very little value. That volume having been thrown aside, the plan now adopted was placed before the Secretary of the Club and approved. The objection of waste of space may with some force be urged against it, but, on the other hand, clearness may be claimed for it. In framing the tables of contents, an attempt has been made to include every separate case, without the unnecessary multiplication of entries regarding any one of them. A very considerable number of entries have been found which disclose neither the nature of the action nor the subject of it, and which contain no designations of the parties. Such entries have been omitted from the table of contents. Very little has been omitted from Vols. I., II., IV., and VI., except for this reason, but a very large number of purely formal interlocutory entries, occurring in Vols. III. and V., have been passed over without notice. Such persons as strongly object to the reproduction of lists of names will doubtless be of opinion that the names of the jurors empannelled on inquests for the service of heirs, etc., might quite well have been omitted. As originally copied out, these names were omitted from the table of contents; but, in deference to strong opinions to the opposite effect, they

were added. The example of such a very eminent authority as the late Dr. Joseph Robertson pointed in the same direction, for, in printing 16th century inquests, he invariably included the complete list of Assize.

Those who are acquainted with the caligraphy of the period do not need to be informed that a species of shorthand, by the constant use of contractions, was the ordinary habit of all penmen. They are also aware that they did not make the same use of capital letters as is the practice in modern times. To have reproduced the various illustrative examples in their original form would have been to inflict a large amount of unnecessary trouble upon readers. To avoid this, all words (except, perhaps, the various contractions of the word "Sheriff") have been fully extended, preserving as exactly as possible the spelling of the day, and the modern use of capital letters has been adhered to.

It may be further explained that if the examples which have been taken from Vols. II., III., and IV. (some of them long and verbose) were to be really illustrative of the procedure and pleadings of the time, they could not with propriety have been subedited or abridged.

In the cases of services of heirs, it will be observed that, where these have been printed in full in the *Antiquities of Aberdeen and Banff*, or in the *Inquisitiones Speciales et Generales*, published in the beginning of last century, references to these are noted. It will be found, however, that in the latter the period during which the lands were in non-entry is not given, thus leaving the date of the ancestor's death uncertain. In the abridgements in the present volume the duration of the period of non-entry, or the exact date of the ancestor's death, when mentioned, has been added.

When on the subject of services of heirs, attention may be drawn to several cases which bring into prominence the importance which was attached to the finding of the inquest, that the ancestor died at the "faith and peace" of the sovereign. In the case of the service of the Earl of Huntly in 1575, to his father who died at Corrichie, the jury at first would not return any answer to the Brieve, affirmative or negative. At another diet at which evidence of the recall of the forfeiture was produced, they did so. Again, in the case of the service of John Leslie of Balquhain to Inverness-shire properties in 1576, the Brieve specially permitted the jury to ignore allegations that his ancestor was at the horn at the time of his death. Once more the same thing is brought to light in connection with the service of George Gordon of Coclarachie, to his father, George Gordon, who was killed at Corrichie, in the lands of Blairndynnie, where the legal fiction by which the difficulty was got over is set down in express terms.

As already stated, each volume dealt with has been preceded by a few introductory remarks, and thus a good deal will be found to have been written which would otherwise have had place here.

Speaking generally, it will be found that the first volume is essentially different from all the others, and its contents have been very fully reproduced, not so much or solely on account of any intrinsic interest in themselves, as for the purpose of presenting a picture, drawn from what is perhaps the earliest existing source, of a Sheriff Court and its procedure 400 years ago. At that period, the procurators, whom the litigants appointed, were apparently churchmen,—probably their chaplains or spiritual advisers,—and there is no trace of elaborate argument or procedure. Possibly, anything of that kind would have been thrown away upon the barons with whom, as jurors, the decisions lay, and whose ideas

of the administration of justice would naturally savour of the rough and ready methods of their own courts.

When we take up next the fragmentary book of 1557-60, we find that a great change has taken place, the jurors have disappeared, the Sheriff and his deputes have taken their places, and trained lawyers and fuller pleadings are much in evidence. The old complaints to the Lords Auditors, which were directed, not against the decisions of the Sheriffs but against the verdicts of the juries, have been superseded by Letters of Advocation to the Court of Session against the decisions of the Sheriffs in what had now become the inferior court.

It must have been about this time that the lay legal practioners in the Consistory or Commissary Court, under the designation of Advocates, began to practise in the Sheriff Court, retaining, as many still do, the former designation.

In this volume we find in June, 1557, the first Decree of Removing under the "New Act of Parliament," by which was meant the Act 1555, cap. 39, which continued to regulate such proceedings for two hundred years afterwards.

Almost all the entries in this volume are connected directly or indirectly with the land, and this is even more so in Vol. III. where the weary iteration of Decrees of Removing would not be tolerable, except on the chance of their containing something of interest in the fields of topography or genealogy.

Among interesting exceptions in both these books must be reckoned the references which they make to Fiars prices. The "feir of the Consistorie of Auld Abirdene" for crop and year 1556 was produced as authoritatively fixing the price of victual in the action of Spuilzie, Chalmer and others *v.* Leslie, 11th January,

1558 (9). Again, decree was pronounced in the action of Spuilzie, Duf *v.* Many, in March, 1573 (4), for a certain quantity of victual for each year from 1556 to the date of the decree, according to the "feiris of the yeiris." In the latter case it is not stated by what court the fiar was fixed. Similarly in several actions in 1574 and 1575 at the instance of the Earl Marischal, as tacksman under the Commendator of Deer, against the tenants for payment of teind sheaves, decrees were pronounced for quantities of victual, the price of which was liquidated according to the Fiars prices fixed in the Commissary Court.

The very full accounts of the proceedings in the services of the Earl of Huntly, and the extremely lengthy and elaborate pleading in the service of John Leslie of Balquhain to lands in the County of Inverness, which was strongly opposed by the Bishop of Ross, already referred to, must also be reckoned interesting, as they must be somewhat rare examples of Sheriff Court procedure in such cases at a comparatively early date.

The slightly more varied contents of the incomplete volume from 1584, and of Volume V., show by the introduction of some items relating to crime and quasi crime that such a volume as Volume III. affords merely a partial account of the business transacted in the Court, and that, if the original books kept by the Clerk had come down to us, far more light and colour would have been found in them.

The feature of Volume IV. is the emergence for the first time of the Procurator Fiscal, and something will be said on that head in a subsequent part of the introduction.

In Volume V. a few signatures are found, but it is not necessary to say anything further regarding it or the last volume.

Taking them as a whole, these six books seem to the writer to contain very little of human living interest, the range of the matters dealt with being extremely limited, but there may be found here and there items which interest the legal antiquarian and genealogist. In the following century the interest widens, the subjects dealt with are more varied and more of the local notabilities flit across the pages.

The Officials of Court, 1221-1600.

In course of his researches among the Records of the Sheriffdom, it occurred to the writer that, if anything approaching a complete and fairly consecutive list of the officials could be brought together, such a list might possess some little interest. Anything like Mr. A. M. Munro's admirable work, entitled "Memorials of the Aldermen, Provosts, and Lord Provosts of Aberdeen," could not be looked for. The materials for the compilation of such a complete piece of work applying to the County officials do not exist. At the same time it was deemed possible to gather together from the various publications containing references to County affairs and properties, such a number of office-holders as would at least be a full representation of the whole number. The result of the editor's efforts in this direction will be found in Part II. of this volume. What has been done, even if not particularly successful, may be of some use as a foundation for others to build upon, or as a skeleton to be afterwards clothed with flesh. Authorities are, it may be said, invariably referred to except in the case of such families as the Earls of Crawford and Huntly, where the facts of their lives have been summarised from family histories. In the case of these and others, e.g., the Lairds of Balquhain, a great deal of picturesque reading, which might have been reproduced from the Privy Council Records and such like sources, has been severely left out owing to considerations of

space. In the case of the more ancient holders of offices and of those about whom information is not so accessible, most of what has been discovered has been set down. It is proposed, in what remains of this part of the introduction, to make a few general remarks about the different offices.

The Sheriffs.

Readers who wish to make a special study of the ancient authorities on the office of Sheriff are referred to Sir John Skene's treatise, "De verborum significatione," from which one or two short quotations will subsequently be taken, Balfour's "Practicks," and the old Scottish Acts of Parliament. The most recent notice will be found in Green's "Encyclopedia of the Law of Scotland," while among works illustrative of particular Sheriffdoms, an excellent example will be found in the "Sheriffdom of Clackmannan," by Mr. James Wallace, sometime Sheriff Clerk of that County, which contains an admirable summary regarding the Sheriff's office and jurisdiction.[1]

One of the earliest, if not the earliest, mention of the Sheriffs of Aberdeen is found in the second Charter granted by King William the Lion to Aberdeen; but it is only in the Trading Charter granted by Alexander II., sometime between 1214 and 1222, that the Sheriffdom is definitely spoken of. No Sheriff is mentioned by name in this latter Charter, but it is addressed to the Sheriffs of the Sheriffdom of Aberdeen among others. About that time, however, the office appears to have been filled by one, Philip de Maleuille, whose name appears first on our list. The editor of the "Sheriffdom of Clackmannan," already referred to, states that the earliest Sheriff in Scotland whose name has come down to us was Malcolm, Vicecomes or Sheriff of Scone, to whom a Charter was granted by Alexander I.

1 *Sheriffdom of Clackmannan.* [Edinr., James Thin, 1890.]

No grants or commissions have been found previous to the beginning of the 15th century, from which the terms of Sheriffs' appointments could be gathered, but it appears clearly enough from the list of names, that down to the end of the 14th century, no one family in Aberdeenshire held the office in heritage.[1] Whether in the earlier time Sheriffs held office from the Sovereign, during his pleasure, or for some fixed period, or for life, has not been discovered. Reasonably certain it is that about the very end of the 14th, or beginning of the 15th century, the first Earl of Crawford had a heritable grant of the office of Sheriff of Aberdeen, and that, except for a very short interruption during the forfeiture of the Tiger Earl about 1453 on account of his rebellion against James II., it remained in that family until 1511. The then holder, John, Earl of Crawford, being in pecuniary difficulties, parted with it to William, 4th Earl of Errol for a price, but with right of redemption on certain terms which are afterwards mentioned. There was, however, a formal resignation by one Earl and a Crown grant to the other. By the death of Lord Erroll at Flodden, leaving a son, the 5th Earl, who lived but a short life and was succeeded by an infant, the 6th Earl, the office came to be in ward until about 1541. In that year George, 4th Earl of Huntly, had a grant of the office, and he and his successors in the title held the office in heritable right until it was resigned to Charles I., by the 1st Marquis of Huntly, in the following century.

Writing in the latter part of the 16th century, the learned Clerk Register, Sir John Skene, says :—"Schireffs in this realme hes their offices given to them be the King in heritage, contrair to the Act of Parliament, Ja. II., par. 11, c. 44, quhilk is the cause of great enormities and wranges, be reason the Schireffes

1 In Clackmannan the office seems to have been heritable from the accession of Robert the Bruce.

being infeft heritablie, thinkis themselves sure of their office, and regairdis nocht the execution theirof."

At the time when these words were penned, the office in Aberdeenshire was held in heritage by the powerful house of Huntly; and one can easily imagine that in Sir John's thoughts the grave position of matters in his own native county would be uppermost, for, if anything stands out in a stronger light than another on the face of the Court Records in the second half of the 16th century, it is the confusion, and in many cases the hopelessness of obtaining justice, which prevailed owing to that circumstance.

Previous to the establishment of the Court of Session, the Sheriff appears to have acted more as a president at the sittings of the Sheriff Court than as a judge, the decisions of all cases, both civil and criminal, resting with the Assize or Jury.[1] No doubt even then juries might be overawed by a Sheriff of commanding local territorial influence, or manipulated by one who had otherwise acquired in a special degree the confidence of his fellow barons; but by the time of the advent of the Huntly domination, juries in civil cases seem to have disappeared, and the Sheriff had become a judge. The loss of the books of Court for the period from 1511 to 1557 must be reckoned a great misfortune, if for no other reason than that they might have thrown light upon the disappearance of the jury and the substitution of the judge. It was not, so far as the writer has been able to ascertain, a legislative change, but simply an alteration of practice—an alteration, however, that obtained all the force of law until trial by jury in a limited class of civil cases in the Court of Session, was introduced by statute in 1815.

In two cases of cognition of disputed boundaries, one in 1558[2] and one in 1574,[3] there appear suggestions that it was

1 *Infra*, p. 2. 2 *Infra*, p. 173. 3 *Infra*, p. 263.

customary in such actions to have assisors with special local knowledge acting with the Sheriff, but these are the only traces of anything like a jury in disputed actions in any of the Court books after the earliest.

Occurring when it did, the change was a momentous one in Aberdeenshire, for it placed in the hands of the possessors of the office of Sheriff great powers of interference with the administration of justice, which, as is writ large on the face of the records of the time, the Earls of Huntly were not slow to use, either directly or through those to whom they deputed their authority. The feud between the houses of Gordon and Forbes made it impossible for the latter or their friends to hope for fair play in the County Court; and on a smaller scale, though equally notorious, was the judicial support which the family of Menzies could reckon on from the local judges, in any litigation in which they might happen to be engaged.

The Sheriffs, or Sheriffs Principal as they came to be called, to distinguish them from their deputes when deputation became an ordinary practice, are not mentioned in the books which have come to us, as sitting frequently in Court. Their attendances were confined as a rule to the Head Courts, preferably the Head Court at Michaelmas. There is evidence, however, in the case of the Earls of Huntly that, even when absent, they influenced the decisions of their deputes, giving them direct instructions how to proceed. The Sheriffs or their deputes ordinarily held their sittings in the Tolbooth (Pretorium) of the burgh of Aberdeen, a building supposed to have been erected about the close of the 14th century. Not infrequently, however, when convenience required it, Courts sat at various places throughout the sheriffdom, and in one case at least a sitting was held in a house in Aberdeen. Instances have been found of Courts in the 16th century at Drumblade, Wardhouse, Muirland of Bourtie,

Turriff, Standing Stones of Huntly, and the Monkshillock of Fyvie. The private house was that of John Stirling, presumably Sir John Stirling, whose name frequently appears as a Notary in the early part of the 16th century, and the occasion was the service of Thomas Fraser to his father, Sir Andrew Fraser, in the lands and barony of Stoneywood and others (30th October, 1505). To these Courts also barons and freeholders were summoned.

What a Sheriff's place was worth in these old days one would like very much to know, but it cannot be got at. The officials from the highest to the lowest—salaries being unknown—lived by a certain proportion of the fees, escheats, or fines or unlaws, and doubtless made as much of it as they could. In many cases the offices, from that of Sheriff downward, were probably purchased, and there would be no slackness on the part of the holders in doing their best to get a good return for their outlay.

In only one case, namely, that of Sir Walter de Berkelay, 1320-4, has the Editor found anything which could be considered an approximation to payment by salary. He received, as will be seen on reference to the List of Sheriffs, a certain part of the customs of Aberdeen while he held the office of Sheriff. Fixed money salaries were not known until after the abolition, at a much later period, of heritable jurisdictions by Act of Parliament.

It only remains to be added that in the List of Sheriffs the Editor has included all those whom he has found so designed, and who appear to have been *de facto* in exercise of the principal office, although the heritable right may have been in others. Among those he has included tutors, those in right of the ward, whom he has called "Wardators," a rendering of the Latin word "wardatarius," and others, such as the lairds of Balquhain, who

seem to have assumed the reins of office at such times as they were taken out of the hands of the Earls of Huntly.

The Sheriffs-Depute.

"All Schireffs sall have gud and sufficient deputes or baillies for quhom they sall answere . . . . And therefore all Schireffs . . . for their awin better securitie, sulde mak their deputes, ane or maa, gude and wise substantious men, of best fame, knawledge, understanding and experience, and least suspect within the Schireffdome, and suld cause them be sworne the time of their admission, that they sall leilly and truely use their office. . . . " So writes Sir John Skene, and it is probable that from the earliest days of the Sheriffship the principal would, in case of absence or whenever it was convenient, depute the office; but in the County of Aberdeen no depute has been met with previous to the middle of the 14th century. Their employment in the more ancient days seems to have been mainly to act as locum tenentes for their principals in the collection of Crown Rents, casualties, &c., and in accounting to Exchequer. As time passed, and judicial functions began to accresce to the Sheriff's office, the bulk of the new work fell upon the deputes, so that by the time (1503) when the existing Sheriff Court Records begin, we find the depute or deputes sitting regularly. Sometimes the depute sat with the Sheriff and sometimes two or more deputes sat together. On occasion they seem to have been called to office at a particular sitting, and in connection with a particular dispute, probably more as assessors with some special knowledge of the matter in dispute than as judges. It is safe to say that, as a general rule, deputes in this County in the older time held office during the pleasure of the chief. This was not always so, however, and the transaction of letting the office for life for £10 Scots per annum to Sir Alexander Forbes about 1432, which was

confirmed by Royal Charter under the Great Seal, is not only an example of the contrary, but throws some light upon the practice of purchase and sale of public offices. No evidence of a direct Royal grant of the office of depute has been found before the 17th century.

An attempt has been made in the following list to distinguish between the principal or regular deputes and those who were not so important, or merely occasional or temporary. Some seem to have been emergency deputes, very much on the footing of the Honorary or unpaid Sheriffs-substitute of the present day. How deputes were paid or what proportion of the Sheriff's perquisites they received there is no evidence to show. Probably it was a matter of bargain in every case. To what extent a legal training was considered necessary or desirable previous to the 17th century must remain uncertain; but it will be noticed that towards the end of that century lawyers begin to appear on the list. By the time that Sir John Skene wrote, one of the greatest difficulties in appointing Sheriffs-depute was to obtain men "unsuspect," and there is ample evidence in the illustrative examples which are produced from the Court books, to show how great the difficulties were.

The Sheriff Clerks.

It is obvious that, from the time at which the office of Sheriff was established, and the duty laid on the holder of the office, of collecting revenues and accounting to Exchequer, there must have been a clerk. It is equally certain that the persons employed in that capacity must in early days have been recruited from the ranks of the clergy, the ability to read and write being then almost entirely confined to that class. Of this old order of men, who were rather the clerks of the Sheriff (clerici vicecomitis),

than clerks of the Sheriffdom (clerici vicecomitatus), occasional glimpses may be had in ancient documents. Thus we find accounts being rendered on 11th April, 1292, on behalf of Philip of Meldrum by Peter, the clerk of the Sheriff. Again, Adam, the clerk of the Sheriff of Aberdeen, is mentioned as having rendered accounts at Perth on 21st April, 1360.

At these early dates the Sheriff Court, as a regularly constituted judicatory for the settlement of disputes, can hardly be said to have existed, and there would be few, if any duties for the clerk, beyond the accounts and filling up the retours to Chancery, in cases of the services of heirs. At what precise period the office, as it now exists, took definite shape, has not been ascertained. A Mr. John Bydnach was officiating, as Clerk for the time, in 1491, and several appointments to the office of Clerk of Court will be found in the Table of Contents of Vol. I. of the Diet Books. These, however, may have been appointments for the service of the particular court which was then sitting only, in the same way, in which at the head courts of a later date for election of Members of Parliament, the practice was to specially appoint the Sheriff Clerk to be clerk of that particular Court. What Sir John Skene writes about the office is this—"Schireff-clerkes suld be honest famous men, quha be themselves and their sufficient deputes salbe alwaies resident within the head burgh of of the schire, for registration of letters of horning, and better execution of their office, Ja. VI., p. 6, c. 75. Be the auld law of this realme, the Schireff-clerke was in-put and out-put be the King, and had na league nor bande with the Schireff, but was bound and oblished to the King allanerlie, and was susteined in his hienes house, as occasion and time required, and did all things concerning his office with the counsell and advice of the King."

Sir John's statement of the old law was no doubt correct,

both as regards the Clerk's entertainment when he repaired to the Court, wherever it happened to be for the time, to render his accounts, and as to the clerk's independence of the Sheriff. The revenues were a matter of the first importance to the King, and the man who kept the accounts was an important personage from that point of view. The object of the King was to get as much as possible, the interest of the Sheriff was to escape with as little as possible, and so there can be no doubt that there was for these reasons, a constant struggle in connection with the patronage of the office, between the central and the local authority.[1] The interest of the Crown was to have this official—a man of education, thoroughly versed in the local finances and always on the spot—bound to it, while that of the Sheriff was to have a dependant of his own in the place. Traces of this struggle will be found in Part II. of this volume. The appointment of the Clerk was finally expressly excepted from the Sheriff's Commissions by Oliver Cromwell, and that rule has been followed since.

The Sheriff Clerk had for his support, a proportion of the fines and unlaws, and such fees as were exigible from time to time down to a very recent period.

The Procurators Fiscal.

Much has been written about the origin of this office, and any general statement would be out of place here. Its emergence in the existing records of the Sheriff Court of Aberdeenshire takes place about the middle of June, 1584. We reproduce the entry.

1 In this connection reference may be made to a Privy Council case in 1564, from which it appears that James Makbrok of Campsie had a heritable grant of the office of Sheriff Clerk of Perthshire under the Privy Seal, in the reign of James V., which was challenged by Patrick, Lord Ruthven, the Sheriff, who claimed the right to appoint the Sheriff Clerk. [*Reg. Privy Council*, I., p. 273.]

"The said day Maister George Barclay Procuratour Fischall for our Souerane Lord protestit solempnetlie that quhat beis done in the forsaid actioun of removing persewit be Johne Mortimer and his curatours aganis Johne Lesly for removing fra the landis of Auchquorties contenit in the precept be nocht preiudiciall to our Souerane Lord his Grace donatours nor thair richt and entres to the saids lands nocht being callit nor warnit for thair entres The Persewaris in the contrar in respect that thar is na thing producit for the makaris of the said protestationes titillis bot only ane bare and naiket allegeances maid Quhairfoir protestis that thai be nocht in mala fide be the entrie of the lands libellit be vertew of the samyne decreit of removing."

This being the opening entry in the volume (earlier pages having disappeared) the decree referred to can only be guessed at. It is clear, however, that Mr. Barclay appeared as procurator for the Sheriff, for the purpose of maintaining the title of persons who had from the Crown the gift of a ward or escheat.

On 23rd June Mr. Barclay appears again in the same capacity, and in a similar kind of case. Again we quote.

"The said day in the actioun and caus of Bastardrie movit and persewit be my lord Shreff be vertew of his office aganis Donald Williamsone spous to umquhill Barbara Stot in Keirthyn, within the Baronie of Bolquholly, according to my lord Shreffis summonds Compeirit Mr George Barclay Procuratour Fischall and producit the said summonds dewlie execute and indorsate to this day and the Shreff in penam contumacie admitit the said summonds to the Donatour's probatioun ad probandum pro prima literatorie."

The next case is one of Improbation of the execution of a summons, which is thus described in an entry occurring about August, 1584.

"Actioun and caus of improbatioun persewit at the instance of George Meldrum and at the instance off our Souerane Lord and Mr. George Barclay his M/ Procuratour Phiscall against Archibald Dempster" [of Halsiewalls].

The fourth instance which we select is one of Breach of Arrestment, the entry occurring on 9th October, 1584.

"The said day anent the summonds of walkining in the actioun and caus of Breking of Arestment perseuit be our Souerane Lord the Kyngs Ma/ Mr George Barclay his Procuratour Fischall my Lo/ Shref be vertew of his office and at the instance of Gilbert Reid of Collestoun aganis William Lesk of that Ilk and Thomas Lesk his eldest sone this day being assignit be ane walkining to pronunce Interloquitor in the said caus the Shref continewit the samyn in eodem statu to Andirsmes Evin nixtocum."

There is really only one criminal trial reported in the 1584 volume, that of Thomas Taylor on 28th November, in which William Smith, the injured party, appeared to prosecute, and there is no mention of the Procurator Fiscal; and the same remark applies to several cases of Breach of Arrestment in which the private pursuer alone is mentioned. In one of the latter, indeed on 31st July, Mr. George Barclay appeared for the defence.

It would thus appear that the Fiscal did not intervene in all cases of crime or quasi crime in Aberdeenshire in 1584, from which it may be assumed that he did not at that time hold a general mandate as procurator, such as are frequently found scattered through these books, but only a procuratory to appear when directed by the Sheriff. There is no trace of such an office to be found in the earliest diet book, nor in those of

1557-60 or 1573-6. In the earliest there are numerous cases where, in the exercise of his office, the Sheriff was prosecutor. In Vol. II. there is one case of Breach of Arrestment, Blak *v.* Turing on January 10th, 1558(9) [page 135], where the Sheriff is stated to be prosecutor by virtue of his office, along with the private prosecutor; but where there is no mention of a Procurator Fiscal. As pointed out in the introduction to Volume III., there are no entries of a criminal or quasi criminal kind to be found there, so no light is derivable from it upon the two questions of the evolution of the office and its first appearance in the Sheriff Court of Aberdeenshire. Why, it may be asked, was there no official of this kind in the years 1503-11? The Sheriff prosecuted then as afterwards, his sphere of duty being practically the same as in the latter part of the century. There was, however, as elsewhere pointed out, a very great difference in the Sheriff's position on the bench, decisions resting in those early days mainly with the Barons acting as Jurors, and not with the Sheriff. The anomaly, therefore, of the same individual being in the dual position of prosecutor and judge would not be forced into prominence. Before 1557 things had changed in this respect; but even then it is obvious that pleading was not of the elaborate character which it afterwards assumed. When the position of the Sheriffs and their deputes as judges became clearly defined, and their Court, especially after the Reformation, became an arena of elaborate pleading, sustained by procurators learned in the law, the dual position must have been felt to be impossible, and one loudly calling for a remedy. What more natural in the circumstances, than that the Sheriff should then do what every other litigant, who did not or could not plead his cause in person, was obliged to do, appoint a procurator to act for him? And so there was evolved the "Sheriff's procurator." The word "fiscal" was a mere descriptive addition, indicative of what was

at one time the principal sphere of the Sheriff's executive functions, but the word "procurator" is that in which we find the origin of the office. So far evolution. What of the date of the appearance of the official in Aberdeenshire? The writer ventures to place it after 1560 and considerably before 1584. Mr. George Barclay was an advocate in Aberdeen in 1568, was acting as a procurator in the Court, as we know, in 1574, and apparently leader of the bar in 1584. If one might venture to hazard a guess, it would be to place the original appointment of the Sheriff's procurator in Aberdeenshire between 1570 and 1580.

The present volume deals with the period to 1600 only; but it may be permissible to add here that in 1629 the Sheriff appointed one Procurator Fiscal for civil and penal actions and another in criminal and capital actions.

PART I.

Records prior to 1600

RECORDS OF THE SHERIFF COURT OF ABERDEENSHIRE

The Diet Books: Vol. I., 1503-11

In this volume are recorded apparently the whole proceedings of a Scottish Sheriff Court for some eight years, from July, 1503, to September, 1511, of which period no other example is known to exist. The Court of Session did not come into being until 1532, and the proceedings of the local Courts, which were after that date influenced and moulded according to the pattern set by the Supreme Court, still ran in their ancient grooves. In this first volume, which consists of about 270 closely written pages, we come constantly upon "the assize," trial by jury being the rule in all manner of cases.

It is impossible to gather from the dates what, if any, rule was followed in fixing the sittings of the Court, except in the case of the three head Courts, Yule, Pasch and Michaelmas, at all of which the barons, freeholders and their suitors were bound, under penalty, to attend. Most of the business was transacted either on the day of the Head Court or on the days immediately following: but Courts sat occasionally in all the other months; not, however, so far as can be judged, at set or fixed intervals, but with a reasonable approximation to the old law, which prescribed that Courts should be held every forty days.

It will be considered natural that the Editor should try to form an opinion as to whether the entries in this volume were made by the Sheriff Clerk or his depute in Court, and transcribed afterwards from notes made there, or were actually written in Court. The existence of signatures to Acts of Court always goes far to show that the writing was done there and then; but there are only two signatures in this volume. There is much to suggest that the writing up was for the most part done after the sittings; but there are also entries, such as jottings of the evidence of witnesses, which must almost of necessity have been taken down at their examination. On the whole, the conclusion arrived at is, that only a small portion of the entries were made at the moment, the greater part being a

transcript from notes. A large part of the proceedings are naturally connected with the passing of land rights from the dead to the living, *i.e.* Inquests upon Brieves from Chancery to serve heirs to their ancestors' lands, and widows to their terce. Of these many will be found printed in the *Collections* and *Antiquities* of the Spalding Club.

It will not surprise any one to observe that entries regarding Spuilzies, Deforcements, Lawburrows, Violent Occupation of Land, Violent Profits of Land, Apprisings, Obligations to enter accused persons for trial and such like are common. There are also Lists of Barons absent from Head Courts, exemptions of Barons from attending these, numerous lists of Jurors, relaxations from the horn, a proclamation of the Wapinschaw, appointments of officials, and a variety of other matters.

As already remarked, one feature which differentiates the procedure of the Sheriff Court as it is found recorded in this volume from what is found in all the subsequent volumes, is the supremacy of the Assize or Jury. The entries run "The Assize fand," "It was fundin be the said Assize," and that not only in the trial of Brieves or in Apprisings, but in all actions and disputes which came before the Court involving matters of fact. Formal procedure and everything relating to the orderly conduct of business was no doubt in the hands of the Sheriff or Sheriff depute who presided, but apparently nothing more.

Several points regarding Juries may be specially noted. (1) The variation in the numbers of the Jury, there being apparently no absolute rule. (2) The competency of Jurors using their own personal knowledge and acting to all intents and purposes as witnesses. In sitting upon Brieves for the serving of heirs, of widows to their Terce and of Tutory, there could probably be no better witnesses to the facts than the members of a Jury almost certainly containing some at least of the kinsmen or intimate friends of the family whose estates were in question. In litigious matters of other kinds the reasons for the practice are not so obvious. It is clear however that it was not only allowed but considered to be an advantage that the Jury should be conversant beforehand with the facts. In the dispute between the Lady of Tolquhoun and George Meldrum of Fyvie (*Infra p. 52*) there was a direction to cite for service on the Jury such "as best knauis the werate." (3) It seems to have been allowable for the members of a Jury to give forth their verdict by sections, *i.e.* some on one day and some on other days (*Ibid.*) (4) During the course of a case the

composition of a Jury might be added to or even otherwise altered (*Ibid.*)

Another interesting feature is what may be called the evolution of the practice of registering bargains or contracts in the books of a Court with the view of afterwards invoking its aid for securing implement. Under the head of Registration for Execution, in *Green's Encyclopædia*, Vol. X., p. 241, the following passage occurs:—"It is said that before writing came to be a common accomplishment, it was not unusual for contracting parties to appear before the Court and strike their compact *in facie curiae.*" Of this there are various instances in this old volume, one or two of which may be noticed here.

On 31st October, 1503, we find this entry:—"The said day Johne Cultis of Ouchtercoule oblist him be his hande uphalding to pay to Gilbert Mengzeis burges of Abirdene iiii lib at baek day nixt to cum under the pane of doublinge of the said some."

On 9th January, 1503-4, Sir Alexander Irvine of Drum and James Abirnethy as procurator for Ellen Abirnethy, his sister, "ar oblist and suorne be the fathis of thar bodyis to stand and abid at the deliuerance decret ande ordinance" of certain arbiters, and in the same way, on 29th Novr. 1507 Marioun Duncansone and Georg Tailzeour hir spous on the one part, and Malcome of Crag burges of Aberdene, on the other part "was oblist and suorne the gret bodely aitht to stand and abid at the finall Decreit" of certain "amicabill compositours."

There can be no doubt that the object of putting such bargains on record was both to preserve them and also to lay a foundation for invoking the aid of the Court in case of non fulfilment, or, in other words, for execution.

The breach of a contract made under the sanction of an oath had for long before this time made the wrong-doer liable to be brought under the ban of the Spiritual courts and subjected to the sentence of "cursing" and excommunication. This, however, was felt to be a round-about method, and a movement had for some time been in progress towards adding civil remedies of a more direct character for the enforcement of obligations. Fortunately there has been preserved in this volume a very fine example of both the old way and the new.

At the Head Pasch Court held by William, Earl of Erroll, the then Sheriff, on 29th April, 1511, a contract between Andrew Elphinstone of the Selmys on behalf of Bishop Elphinstone and Johnne Fyndo',

wright, for executing the wood work of the great steeple of the Cathedral Kirk of Aberdone, was put on the books of Court. The agreement bears to have been come to on the 18th April, so very probably it had been reduced to writing, although there is no evidence of its having been signed or witnessed. A copy of the contract will be found at page 102, where it will be seen that the tradesman consented, in case of his failing in any of the points of his bargain, to come under the Commissary for cursing and under the Sheriff for rebellion and putting to the horn, and that, in addition, he appointed procurators to enact him before the Lords of Council under the "pains foresaid." This is a very early and very complete example of what is really and in effect a consent to registration for execution. An early instance of registration for execution (1517) is referred to by Dr. Hill Burton, *Register of the Privy Council*, Vol. I., p. xix.

It may be remarked (and this may prove disappointing to lovers of the picturesque or sensational) that no criminal decisions of a serious kind are to be found in this volume, and that there is no trace of cases involving the personal relations or succession to moveable property. This is of course to be accounted for (1) by the absence of the necessity for keeping a record of any punishments except fines, on the principle that where delinquents were put to death or banished they were finished with, whereas fines had still to be recovered; and (2) that alongside of the Sheriff Court there were the Consistorial Court, the Baillie Court, and all the Courts of Regality and Barony. The first of these especially was in many respects the most powerful and far reaching in its jurisdiction. There was also, for the trial of the four pleas of the Crown and other serious cases, the Justice Ayre, corresponding in a general way to the Circuit Courts of Justiciary of a later day.

Another disappointing feature of the volume is the incomplete record of many of the cases initiated. They are noticed in one short entry and never re-appear. Two reasons may be assigned for this, one being the amicable settlement of the disputes by the intervention of mutual friends. Cases were frequently continued in hope of concord, a hope apparently often well founded. This was as it should be; but it is impossible to regard with the same complacency the other cause, namely, the neglect by the Sheriff Clerk or his depute to write up the Court Book. It seems plain that the blank pages and half-pages frequently found were left as space for entries to be afterwards made but which were never filled in.

Table of Contents of Vol. I. of Diet Books

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1503. Before July 31.	Spuilzie.	Patrick Gordoun Wardar of the Lands of Meldrum *v.* Murtho, Thomas Murtho and others.	18 score bolls of oats, Hill of Bethelnie.
July 31.	List of absent Barons (apparently incomplete).		
Octr. 3.	Head Court. List of absent Barons.		
	Special Service. 1(*Ant. A. & B.* III. 170.)	Elizth. Ogistoun one of the heir portioners of Walter Ogistoun.	Lands and Barony of Polgovny Lands of Schethin, Ravystone and Craigy.
	Special Service.	Janet Ogistoun, one of the heir portioners of Walter Ogistoun.	Do.
	Special Service. (*Ibid.* IV. 120.)	William Borthuyk son of William, Lord Borthuyk.	Lands and Barony of Aberdour.
	Special Service. (*Ibid.* III. 93.)	William Turinge son of John Turinge.	Lands and Barony of Fouerane.
	Special Service.	Alexander Earl of Huntlie son of George Earl of Huntlie.	Lands of Collerlys.
	Service. Terce. (*Ibid.* III. 126.)	Margaret Leslie widow of William Hay.	Lands of Ardendracht Auchshallow and others.
	Service. Terce.	Katherine Waus widow of John Turinge.	Lands and Barony of Fouern.
	Service. Terce.	Isabella Lindesay widow of Patrick Bisset.	The Mains of Lessendrum and others.
	Service. Terce. (*Ibid.* III. 63, Note.)	Margaret Forbes widow of Malcolm Forbes.	Mains of Tolquhon, Meikle and Little Ythsies, Balgove, Fouchill, Park of Fyvie &c. &c.

1 These references are to abridgements of Services printed in *Antiquities of Aberdeen and Banff* (Spalding Club).

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1503. Octr. 3.	Special Service.	Robert Innes son of Walter Innes of Invernarkie.	¼th part Auchlevine Four oxengait of Ardune one half oxgait of Herelaw. (Repeated in a more careful form on 16 Apl. 1503-4 *infra.*)
	Apprising.	The Bishop of Aberdeen *v.* Thomas Sanquhar.	Two merks worth of the Lands of Murcroft.
3rd and 4th.	Action of Violent Profits of Land.	John Gordone of Lungar *v.* the Laird of Asswanly Mildune and William Tailzeor.	Two ploughs of the East Park and Middlehaugh (apparently of Mildune). *(The evidence is recorded in this case.)*
31.	Lists of absent Barons and of Assize.		
	Action for Implement and Damages.	Sir John Rutherford *v.* John of Allerdes otherwise John Allerdes of Badenscothe.	To compel signature of Charter of ground in Shiprow of Aberdeen and for damage in consequence of failure to do so.
	Order by Sheriff.		Barons and Freeholders to bring their seals to the Court.
	Sentence of Fine.	Gordon *v.* Laird of Assuanly.	Calder of Assuanley fined for non attendance
	Spuilzie.	Isabell Lindesay widow of Lessendrum *v.* Johne of Gardin.	A mare. Continued to next Court.
	Verbal Bond on oath.	Gilbert Menzies Creditor *v.* John Cultis of Ouchtercoule Debtor.	£4 Scots.
	Action for delivery.	Isabell Lindesay widow of Lessendrum *v.* Angus Findelasoun.	Division of Moveable Estate.
	Bail Bond.	William Urry of Petfiche.	To appear on third day of next Justice Ayr (Charge left blank).
	Lawborrows.	The alderman balzeis &c. of Aberdeen and their tenants of Tulloch *v.* Urry of Petfichie.	Caution by Alexr. Mortimer of Craigievar for Petfichie.
	Lawborrows.	The alderman balzeis &c. of Aberdeen and their tenants of Tulloch *v.* John Nory and Sande Wilsoun.	Caution by Johne of Keitht.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1503. Octr. 31.	Protestation for expenses.	Isabell Lindesay Lady of Lessendrum *v.* Angus Findelasoun.	
	Lawborrows.	Town of Aberdeen and tenants *v.* Robt. and Andrew Davidson.	Caution by Robert Davidson.
	Lawborrows.	Town of Aberdeen and tenants *v.* Walter Philip.	Caution by Walter Philip.
	Lawborrows.	(Not specified) *v.* James Smith.	Caution by Alexr. Skene of that Ilk.
	Sentence of Fine.	Alexr. Fraser John Douglas Andw. Fraser of Stoniewood Robert Findelay John Fraser Wm. Mar Henry Ray Alexr. Fraser.	Fined for not appearing being cited and called (in what capacity does not appear).
	Action for delivery.	Patrick Murray of Cobairdy *v.* Isabell Lindesay Lady of Lessendrum.	Action concerning certain threaves of bear and oats. Continued of consent to next head court in hope of concord.
	Royal Letters.		Release of James Blak from the Horn for manslaughter of Robert Watsoun.
1503-4 Jany 9.	Head Court. List of absent Barons. (*Ant. A. & B.* II. 3.)		List of Suitors admitted.
	Submission.	Sir Alexr. Irvine of Drum and James Abirnethy for Ellene Abirnethy his Sister, widow of George of Gordon.	Terce of the Lands of Craok.
	List of Assize.		Lord Huntly's service to Lands of Collarleis.
	Apprising.	Duncan Forbes in Skene and Christiane Messr. his Spouse *v.* Patrick Gordone.	Lands of Auld Johnsleis.
	Apprising.	Alexander Chamer of Quyltis.	Lands of Quyltis (Cults) in Cromar.
	Spuilzie.	William Christisonne *v.* Androw Crag of Cragiffintray.	A horse. Defender protests against Pursuer for not insisting and for expenses.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1503-4. Jany. 9.	Action for delivery.	Lady of Lessendrum *v.* Murray of Cobairdy. (*Supra* 31st Oct.)	Defender's protestation for Pursuer not insisting.
	Deforcement.	Williame Malvin Mair Depute *v.* Duncan Roy.	A witness depones that Roy retook xvii. cows & oxen from the officer.
	Deforcement.	Thomas Bisset Mair of Fee *v.* Alexander Cowtis of Ouchtercoule.	Evidence that Couts retook two horses.
	Action for Violent Profits of Lands. (*Supra* 3 & 4 Oct. 1503.)	Johne of Gordone *v.* Calder of Assuanley.	Another Interlocutor.
	Continuation of undecided cases to 1st Feby.		
11.	Apprising.	Alexander Chamer of Quyltis *v.* Androw Tulydeff of that Ilk.	Two parts Little Warthill. Three merks worth of Rothemais. Two merks worth of 3d part of Lethintusche. Four merks worth of Mosfeld. 2/8d. worth of Orchartoun.
Feby. 1.	Deposition of two Witnesses as to a Spuilzie.		
	Continuation of all cases to 27 Feby.		
	Head Court.		
1504. April 16.	Special Service. (*Ant. A. & B.* III. 44-8.)	Robert Innes son of Walter Innes of Invermarky.	4th part Lands of Auchlevin 4 oxengait of Ardune ½ oxgait of Harlaw. (*Supra* 3rd Octr. 1503.)
	Spuilzie.	Adam Cragy John Tailzeour David Gibsone *v.* Patrick Gordoune of Johnsleis.	Three cows.—Offer by Defender to submit to Lord Huntly's decision.
	Action of delivery.	Thomas Frostar *v.* Alexr. Wentoun.	Citation to appear on 14 May next.
	Action of Reduction of a Lease.	Patrick Gordone of Johnsleis *v.* William Gordone and James Chene.	14th May assigned to Johnsleis to disprove assedation produced.
	Warrandice.	Thomas of Laysk *v.* Alexr. Bannerman in Knavan.	To relieve of rent of 3d part Lands of Knavane.
	Special Service.	Alexander Earl of Huntlie son of George Earl of Huntlie.	Superiority of Lands of Easter Belty and Wester Belty Gordone.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1504. April 16.	List of absent Barons.		
	Continuation of Court to 14th May.		
May 8.	Blood drawing. Caution to appear.	Katherine Andersone *v.* David Colp.	William Colp to enter his son David on 1st June to answer for blood drawing of Katherine Andersone.
14.	List of absent Barons.		
	Special Service. (*Ant. A. & B.* III. p. 103. Heading there should be 1504.)	Henry Lord Sinclar son of William Lord Sinclar.	Barony of Newburgh. Fishings on the Ythan. Town of Newburgh.
	Spuilzie.	John Reide *v.* Ormunde in Pettodry, John Donaldsoun, and Wm. Diky.	A stack of oats claimed by Pursuer. Proof fixed for 1st June. (Two entries in succession.)
	Fine of Mair of Fee and Depute.	Thomas Bisset & Thomas Strath.	Not putting a precept of the Court to execution.
	Action for rent. Protestation.	Alexr. Bannerman in Knavan *v.* Thomas of Cullen.	Cullen protested for expenses and for new Citation.
	Delivery and Payment. (*Supra* April 16th.)	Thomas Frostar in Andat *v.* Alex. Wentoun of Andat.	Eight ewes and 36/- for profits.
	Apprising.	Elizabeth Countess of Huntlie *v.* Alexr. Earl of Huntlie.	Six marks worth of the Lands of Smithetoune of Notht for £50 owing to the Countess.
June 1.	Blood drawing. (*Supra* May 14.)	Katherine Andersone *v.* David Colp.	Continued to Head Court on 1st Octr. under pain of £10.
	List of Absent Barons.		
	Service. Terce. (*Ibid.* III. 167, Note.)	Margaret Ogilvy widow of James Earl Buchan.	Lands of Allathain, Grandoune, Persly, Crabstoun, Aylhouse of Cairntrailzeane, Mains of Glenuchtill and Mill thereof, Auchmedane, Petnacadall, Glenhouse.
	Protestation.	Thomas Thomsone in Torry *v.* John Dunbrek of that Ilk and James Rait.	Defenders protest for expenses and new citation.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1504. June 1.	Spuilzie. Depositions. (*Supra* 14 May.)	John Reid, Pardoner, *v.* Ormund in Pettodry and others.	Stack of Oats. Examination of Witnesses.
	Spuilzie. Decision. (*Supra.*)	Do.	Defenders acquitted of taking the Stack.
	Lawborrows.	Lady of Tolquhon *v.* Johne Pantone of Petmethane.	
	Action for rent. (*Vide* 14 May.)	Bannerman *v.* John of Cullane.	Rent of Knaven. Proof fixed for 17th June.
	Continuation of undecided cases to 31st July.		
	Appointment of Procurator. (*Supra.*)	Reid *v.* Ormunde and others.	Ormonde in Pettodry John Donaldson and William Diky appoint Thomas Leslie.
	Appointment of Procurator.	Sir Wm. Muresoun *v.* Wm. Watsoun, John Wilsoun, and Logyruf.	Sir William Muresone appoints Sir William Elphinstoun Rector of Clatt, Gilbert Mengeis and John Mar to sue an action of Spuilzie.
July 31.	Obligation of Neighbourship.	Margaret Leslie widow of Wm. Hay of Ardendraucht.	To keep neighbourship to Sir Gilbert Hay of Ardendraucht.
	Damages.	Sir Gilbert Hay of Ardendraucht *v.* Margaret Leslie.	Damages through want of neighbourship. Continued to Law day after Michaelmas Court.
	List of Jury.		
	Spuilzie.	Sande Stut *v.* William Maitland in Chapeltown of Schewiss.	A mare. Acquittal.
	Warranty.	John Crokat *v.* Alexr. Andersone.	A cow.
	Spuilzie.	Sande Stut *v.* Margaret Charteris Lady of Glenkindy.	A mare. Contd. to Law day after Michaelmas.
	Execution of Summons.	Lady of Glenkindy *v.* Thos. Pantone of Petmethane Thos. Symsone Sande Stut at Mill of Auchnagat and Robt. Johnstoun.	For wrongous occupation. Breach of arrestment. (One summons.)
Octr. 1.	Head Court. List of absent Barons.		

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1504. Octr. 1.	Special Service. (*Ant. A. & B.* III. 383.)	John Chamer Son of Thomas Chalmer.	Lands of Strachechin (Strichen) ¼ part Lands Roscheveot.
	Service. Terce. (*Ibid.* III. 242, Note.)	Beatrix Hay Widow of Sir Alexr. Gordone of Mydmar Knight.	Beldestoun, Carnttrailzeane and Mill thereof, Mekle Glasgow, Auchmule, Dawaucht of Abirgeldy, Dawaucht of Eistone, Barony of Mydmar.
	Service. Terce. (*Ibid.* III. 592.)	Isabella Rait Widow of Pat Murray of Culbarde (Cobairdy).	Lands of Colbardy.
	Two entries of Suitors.		
	Apprising.	The Crown *v.* Andrew Fraser of Stanywod.	Maynes of Mukhole, Auchchat, Nether Corsky, Wattertoun and Mill, 2 parts Maynes of Kinmondy for composition and new infeftment.
	Continuation.	Master of Erroll as Tutor of Gilbert Waus of Many *v.* Lawrence Couts.	
	Blood drawing. Repledging.	Margt. Schand *v.* Alexr. Smyt. in Tibberta.	Repledged to Henry Abbot of Lindores and his Court on this day 20 days. (An action of Spuilzie of oats mixed up with this was contd. in Sh. Court to 22 Octr.)
	Appointment of Mair Depute.		John Bannerman appointed Mair Depute.
	Substitution for service at Courts.		Ranald Oudny appointed to serve at Courts in place of his father William Oudny of that Ilk.
	Putting to the horn.	William Watt at the Kirk of Clat.	Slaughter of Andro. Bonamak.
	Citation at Market Cross.	Wat Traill.	To answer to foregoing Slaughter.
	Continuation of undecided actions.		To 22nd Octr.
22.	Special Service. (*Ibid.* III. 562.)	Walter Dempster son of John Dempster.	Barony of Auchterles. Town of Polglassy.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1504. Octr. 22.	Special Service. (*Ant. A. & B.* III. 562.)	Alexr. Stratoun son of Alexr. Stratoun of Lawrenstoun.	Lands of Kintocher in Barony of Cluny.
	Service. Terce. (*Ibid.* III. 562, Note.)	Effeme of Murray Widow of John Dempstar.	Polglassy, Nether Ordley, parts of Thomastoun, Small burn, Haltoun of ———, Muiresk, Ordmedyll, Forthry, Mains of Lathers and Mill thereof, Rothloth, Dunlathers, Glaslaw and Mill thereof. (This entry somewhat torn.)
	Wrongous Intromission.	Alexr. Tulloch of Moncoffir *v.* Wm. Wodman.	Various articles of armour.
	Entry of Suitor.	John Dumbrek of that Ilk.	John Tulzeot., Suitor.
Novr.	Act of Caution. Ravishing a maiden.	Alexr. Coupland of Uddaucht.	Caution by Sir James Crichtone to enter Coupland the 3d day of next Justice Ayr. Coupland and his son Alexander give obligation of relief. (Entry torn.)
9.	Appointment of Curators.	Wm. Forbes of Tolquhon.	Curators appointed were William Earl Marischal and John, Lord Forbes.
18.	Court at Drumblade. Absents fined.		
		James Nory.	Citation of Witnesses to Aberdeen Head Court on 7th January. Pursuer to pay witnesses expenses.
		The Laird of Grantully *v.* Johne Halibourtoune.	Case continued to Court to be held at the "Furd of Sleoch" in Drumblade on 5th March next.
19.	Court at Wardhouse.		Calder of Assuanly fined for absence.
		John Leslie of Warders *v.* John Troup of Comalegy.	This case continued to Court at Wardhouse on 11th March next.
1504-5. Jany. 7.	Special Service.	George Gordone Son of Sir Alexr. Gordone of Mydmar.	Barony of Aberzeldy.
	Special Service. (*Ibid.* III. 592.)	Alexr. Murray son of Patk. Murray.	Lands of Cuchberdyis (Cobairdy) Barony of Frendraucht.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1504-5. Jany. 7.	Special Service. (*Ant. A. & B.* III. 592.)	John Chamer son of Thos. Chamer.	Lands of Corsgicht. Lordship of Fedra.
	Special Service. (*Ibid.* III. 589.)	James Dunber son of Sir James de Dunber of Cumnok Knight.	Lands of Petquhyse.
	Special Service. (*Ibid.* II. 11.)	Elizabeth Ouchterarne one of the daughters of John Ouchterarne.	Lands of Ouchterarne in County of Mar.
	List of absent Barons.		
	Inhibition or Suspension.	Christian Hay Lady of Tullideff *v.* John of Myln and Wm. Myln.	Sheriff inhibited by the Bishop of Aberdeen from further proceeding.
	Apprising.	The Crown *v.* Fraser of Staniwod.	Lands of Mains of Mukholl.
	Deforcement.	Robert Douguid of Auchnahuff and Johne Ross of Auchlossin.	Depositions of Witnesses that Thomas Bisset Mair of Fee and William Melvin his depute deforced.
	Deforcement.	Robert Douguid of Auchnahuff.	Dogud obliges himself to stand by decision of Sir Alexr. Irvyn and Alexr. Bannerman Sheriff Depute.
	Deforcement.	Robert Douguid of Auchnahuff.	Continuation to Court on 1st Febry.
	General Continuation of undecided cases.		Do.
Feby. 1.	List of absent Barons.		
	Special Service. (*Ibid.* III. 340.)	Alexander Cuming son of Alexr. Cuming of Cultyr.	Lands of Tuliboy. Lands of Cultyr.
	Special Service. (*Ibid.* III. 551.)	William Forbes son of Malcolm Forbes of Tolquhon.	60 particates in the Burgh of Barony of Fyvie.
	Protestation.	Katherine Cullan Widow of John Duncansone and others *v.* George Tailzeour and Spouse.	Forespeaker for Katherine Cullan protests for Costs and new Citation.
		Duncan Forbes in Skeine *v.* Alexr. Johnstoun of that Ilk.	Lands of Inglestoun. Proof allowed to Maister Davy Guthre, Provost of the same as forspeaker for Forbes at Drumblait on 5th March next.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1504-5. Feby. 1.	Judicial Submission.	John of Cullane *v.* Duncan Gordone.	Spoliation of certain "muk, hay and other gudis." Also the terms of an assedation to be granted to Gordon of Lands of Knavane belonging to Cullane.
	Trial of a Charge of Theft.	Duncan Thomsone of Auchinhamper *v.* Thomas Alexandersone.	The Jury decided that the "Borcoms" found by accuser were of "nayn avale" and acquitted accused.
	Spuilzie.	William Blackhall of that Ilk *v.* James Urtane in Auchinfourty.	9 Thraif of aits 5 Thraif of beir. Accused fined and restoration ordered.
	Spuilzie.	John Wat in Glasco of Knokinblewis and John Patry there *v.* Duncan Mortimer in Nether Auchquhorty and Alexr. Forbes of Auchorty.	A gray horse and a hewing axe. A Conviction.
	Continuation of undecided cases.		Continued to Pasch Head Court.
1505. Apl. 3.	Act of Caution.	Thos. Coup.	Securities to enter him at Justice Ayr for Slaughter of Wat Makinneoche. Certain persons become sureties and John Forbes Fiar of Brux becomes "overborghe."
	List of absent Barons.		
29.	Special Service.	John Forbes son of Alexr. Forbes of Kynnaldy.	Lands and Barony of Kynnaldy.
	Special Service. (*Ant. A. & B.* III. 335.)	John Lyon brother of George Lord Glamys.	Barony of Behelvie Lands of Ardendraught and Collistoun Courtestown in the County of the Garioch.
	Act of Tutory.	David Lyon nearest agnate to John Lyon.	Appointed Tutor.
	Special Service. (*Ibid.* III. 260.)	Thomas Chawmer son of Alexr. Chawmer	Lands of Quyltis in Mar. Lands of Little Methlik in Buchan.
	Tutory of John Lord Glamys.		Cautioners for Tutor David Lyone of Breky James Lindsay for Earl of Crawford Thomas Wod for Sir Alex. Guthrie of that Ilk William Master of Erroll Sir Gilbert Hay of Ardendracht Sir Alexr. Crabmond of that Ilk Patrick Reid of Colliston Wm. Lyon of Estirogill for rents of Lands in all Scotland.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1505. Apl. 29.	Service. Terce. (*Ant. A. & B.* III. 418.)	Margt. Burnat widow of John Blackhall of Barroche.	Lands of Mekle Fynersy, Little Fynersy, Monecht, Overtoune of Curtastown, ⅛ Lands Barroche of Bourty.
	Service. Terce. (*Ibid.* III. 260.)	Mariota Mathesone widow of Alex. Chamer of Quyltis.	Lands of Quyltis, Little Methlik, &c.
	Action for Payment.	Mr. Henry Lindsay *v.* Laird of Skene.	Citation to Defender to appear on 17th May next. Sum sued for 8 merks.
	Spuilzie or Theft.	Andrew Lesly *v.* Andrew Ellis or Ellisone.	Citation to Defender to appear on 17th May for spoliation of a gray horse.
	Entry of Suitor.		Suitor for Walter Dempstar of Auchterless.
	Deposition of Witness.	Lesly *v.* Ellis or Ellisone.	
	Tutory of Lord Glamys.		Appointment by John Earl of Crawford of Procurators. Dated at Doune 27th Apl. 1505.
	Tutory of Lord Glamys.		Do. by Sir Alex. Guthrie of that Ilk. Dated at Brechin 26th Apl. 1505.
	Continuation of undecided cases.		Court continued to 17th May.
May 2.	Special Service. (*Ibid.* III. 446.)	George Abircromy son of Alexr. Abircromy.	Lands of Murthill, Petmethane, Petmachie, ⅛ Part of Ardune, all in the Gareoch.
	Service. Terce. (*Ibid.* Note.)	Marjorie Mowat widow of Alexr. Abircrombie.	Lands specified in immediately preceding service.
17.	List of Absent Barons fined.		
	Action for payment.	Mr. Henry Lindsay *v.* Alexr. Skene of that Ilk.	Decree for Four merks as price of a horse.
	Protestation.	George Cromy of Petmedane *v.* George Cromy Johnne Coupar, Thos. Mechale, Adam Troup.	Protestation for expenses and to be heard.
		George Tailzeor *v.* Katherine Cullane and others.	Do.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1505. May 17.	Spoliation or Theft. (*Supra* 29 April.)	Leslie *v.* Ellis or Ellisone.	John of Mar finds "ane borgh" to prosecute. The Laird of Balquhain is surety for him and Robt. Dogud of Auchnahoof suretie to enter Ellis on 7th June.
	Theft.	John Pantone of Petmethane *v.* Sande Proudy and others.	Theft of Oats. Pantone finds "borgh" to pursue.
June 7.	Thefts. (*Supra* 29 Apl. & 17 May.)	Leslie Panton *v.* Ellisone Proudy and others.	The various accused entered, and whole parties bound to appear to prosecute and defend on the third day of the Justice Ayr under penalty of £40 Scots.
July 15.	Apprising.	The Crown *v.* the late James Harman of Thanestoun.	Parts of Lands of Thanestoun. For Fines, &c. in last two Courts of Justice Ayr.
	Deforcement.	Mair of Fee *v.* George Meldrum of Petkerry.	Unlaw of the Commissaries of the Burgh of Fyvie.
	Wrongous intromission.	Wm. Blakhall of that Ilk *v.* William Forbes of Lathindy and John Cout.	Order on Defenders without prejudice to restore two cows a mare and other effects and parties to appear on the Law day after Michaelmas. Protest by Defenders.
21.	Deforcement.	Mair of Fee *v.* Alex. Skene of that Ilk.	Fined for non attendance. Deposition as to deforcement.
Sept. 30.	Head Court. List of Absents fined.		
	Special Service. (*Ant. A. & B.* III. 64.)	John Forbes grandson to Elizth. Gareauche.	The Lands of the two Tulligownies.
	Special Service. (*Ibid.* III. 590.)	James Dunbar grandson of Sir Alexr. Dunbar of Westfield.	Lands of Canze.
	Special Service. (*Ibid.* III. 89, 560.)	Alexr. Buchan brother of Andrew Buchan of Auchmacoy.	Lands of Auchmakoy and Oykorn. Annual rent of two merks from two parts of Faithlie, Barony of Kinedward. Lands of Mekle Creche in Lordship of Federay.
	Special Service. Terce. (*Ibid.* III. 90.)	Mariore Craufurd widow of Andrew Buchan.	Lands as above and of the Lands of Innerwherny.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1505. Sept. 30.	Bishop's second Teind	Bishop of Aberdeen.	Assigned by Jury 4 merks and 8 pennies worth of Walcarhill of Fischrie for second teind during all terms of the Ward.
	Breach of Arrestment.	Blakhall of that Ilk *v.* Wm. Forbes of Lathindy and John Colt or Cout.	Arrestment declared of no avail.
	Special Service. (*Ant. A. & B.* III. 560)	Alex. Buchan Brother of Andrew Buchan.	Lands of Innerwherny in Lordship of Auchterless.
Octr. 30.	Special Service. (*Ibid.* III. 221.)	Thomas Fraser son of Sir Andrew Fraser of Stanevod.	Lands and Barony of Stanevod. Lands of Kinmondy in Barony of Andan. This inquest held in the house of Sir John Striüeling.
	Release from Horn.		Finlay Duyr, who had been denounced Rebel at Justice Ayr at Banff.
1505-6. Jany. 13.	Head Court. Absent Barons fined.		
	Special Service. (*Ibid.* III. 276.)	David Menzeis brother of Alexander Menzeis.	Lands of Mydil Petfodells.
	Special Service.	William Forbes of Tóllys son of Duncan Forbes of Tollys.	Lands of Broddye in Barony of Kynnardy.
	Special Service.	John Gordone son of John Gordone of Lunger.	Two part Lands of Under Auchsuanly Two parts of Carneargat Lands of Wester Candopark ½ Lands of Newbigginge In Dauach of Auchswanly and Lordship of Strathbogie ½ Town and Lands of Chapeltoun of Schives in Barony of Schives Lands of Auchluchre Lands of Bachmago also in Barony of Schives.
	Special Service. Terce. (*Ibid.* III. 42, Note.)	Mariore Cullane widow of Henry Annand of Ouchterellon.	Lands of Ouchterllon annual rent of 20 merks from Methlik.
	Service. Terce. (*Ibid.* III. 167, Note.)	Margaret Ruthvane Countess Buchan widow of Alexander Earl of Buchan.	Lands of Grandon Perslie Crabstone Ailhouse of Cairntrailzeane.
	Special Service. (*Ibid.* III. 52.)	Alexr. Annand Son of Henry Annand.	Annual rent of 20 merks from Methlik.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1505-6. Jany. 13.	Special Service. (*Ant. A. & B.* III. 449.)	Andrew Lesly son of William Lesly.	3 oxengait of Buchanstoun 1 oxgait in Ardune Regalitie of Gareauch.
	Service. Terce.	Elizabeth Leslie widow of Alexr. Menzeis of Medil Petfodellis.	Medil Petfodellis.
	Bishop's second teind.	Bishop of Aberdeen.	Assignation to him of certain sums from Auchmull, Crabstone &c., the Earl of Buchan's Lands.
	Service.		List of Assize for Lady of Stanevod's Breive.
	Special Service. (*Ibid.* III. 590, Note.)	James Dunbar grandson of Sir Alexr. Dunbar of Westfield.	Lands of Colmstye (Comisty) Lordship of Frendracht.
	Apprising.	Malcolm Drummond of Megour *v.* Alexr. Wentone.	Five merks worth of Lands of Andait.
Feby. 21.	List of Absents.		
	Disputed Ownership.	Henry Forbes of Thanestone *v.* Mariore Watsone.	Five thraiff of oats. Examination of Witnesses.
1506. Apl. 21.	Head Court. Absents fined.		
	Deforcement.	The Mair of Fee *v.* Robt. Lumsdaill of Madlar.	Evidence led about the horse which Lumsden took from officer.
	Special Service. (*Ibid.* IV. 442.)	John Forbes to his great-grandfather Sir Alexr. Forbes of Petsligo.	½ Lands of Faithly ½ Lands of Synaboth ½ Lands of Drumalloche.
	Special Service. (*Ibid.* III. 590.)	James Dunbar grandson of Sir Alex. Dunbar of Westfeld.	Lands of Conzhe.
	Blood drawing.	Catherine Sclugy *v.* Wat Patersoune.	Convicted by the Assize.
	Spuilzie.	Johnne Ryne *v.* Thos. Cumyne John Willok and Sande Andersoun.	Defenders protested for expenses and new Summons.
	Lawborrows	Thomas Alexandersone *v.* Robert Lumsdaill of Madlar.	Lord Forbes cautioner in £100.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1506. Apl. 21.	Violent Occupation.	John Crichtoun *v.* Elene Couts widow of John Reid	Warrandice of Lease of West-town in Cromar. 12 May assigned for proving.
	Continuation.	Henry Forbes of Kinellar *v.* Mariota Watsoun.	Contd. to 12 May.
	Genl. Continuation.		To 12 May.
May 12.	Absent Barons fined.		
	General Service.	John Skein son of Janet Moresoune.	
	Violent Occupation. (*Supra* April 21).	Crichtoun *v.* Elene Couts	Finding of Jury against Elene Couts West town of Cromar.
	Warrandice.	Elene Couts *v.* William of Gordone.	Finding of Jury that William of Gordone son of late Sir Alexr. Gordone of Mydmar bound to warrant lease of West-town of Cromar.
	Spuilzie.	Lady of Tolquhone *v.* George Meldrum of Petkervy.	Two oxen. Contd. to Michaelmas Head Court on account of importance of case and few barons present. Evidence to lie *in retentis*.
	Deposition of Witnesses.		A horse case, an assault case, a Deforcement.
	Warning to remove.	William of Gordone *v.* Elene Couts.	West-town of Cromar.
	Appointment of Procurators.	by Andrew Ellisone.	For Court on 6th June in case about Spoliation of horse.
June 6.	Absents fined and List of Assize.		
	Spuilzie.	William Gray *v.* David Riddaill.	Convicted and fined for taking an ox out of lands of Drumbrek.
	Service. Terce. (*Ant. A. & B.* III. 33.)	Janet Guthrie widow of William Herrowir.	Part of Lands of Ardgrayne.
	Deforcement.	Mair of Fee *v.* Lumsdaill of Madlar.	Contd. to Court at Auchentoull on 16th June.
	Spuilzie.	Lady of Tolquhone (Margt. Forbes) *v.* George Meldrum Fiar of Fyvie.	Two oxen. Contd. of consent to 3rd July for judgment.
	Spuilzie.	Forbes of Kinellar *v.* Mariota Watson.	Continued of consent to 3rd July in hope of concord.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1506. June 6.	Spuilzie. (*Supra* May 12.)	Leslie *v.* Ellison.	Horse case. Contd. to Michaelmas of consent and in hope of concord.
	Blood drawing.	Janet Masoun *v.* William Philip.	Contd. to 3d July.
	Spuilzie. (*Supra.*)	Leslie *v.* Ellison.	Obligation of relief by Defender and others to Patrick Gordone of Johnsleis.
July 3.	Absents fined and List of Assize.		
	Spuilzie.	Alex. Johnstone of that Ilk *v.* Wm. Ranaldsone Yr. in Dyce Wm. Mortimer and Robt. Reid in Logy.	Greenwood on Litell Dyss and bog of the same. Acquital.
	Assignation to the Crown.		Halflands of Fechtlie Sounabetht and Estir Drummaloche to the Crown for 30 years for the sum of thirty score merks for non entries.
	Arrestment.	Laird of Craigfintray *v.* Thomas of Milne.	Arrestment found to be ill-founded.
	Spuilzie.	Kinnellar *v.* Watson.	Contd. to Michaelmas Court, in spite of protest by Pursuer and his brother William Forbes.
	Procuratory.	Geo. Meldrum, Fiar of Fyvie *v.* Lady of Tolquhon.	Meldrum appoints William Fraser of Phillorth Mr. John Lindesay Vicar of Culsalmond and John Michael his procurators.
	Continuation.	Geo. Meldrum, Fiar of Fyvie *v.* Lady of Tolquhon.	6th Octr.
	Deposition in Spuilzie.	Gilbert Reid *v.* Wm. Warrandir.	"ane pee and ane huid."
	Procuratory.	Andrew Buchan of Auchmacoy.	Sir Gilbert Hay of Ardendraucht and John Cullane appointed.
11.	Deforcement.	Mair of Fee *v.* Alex. Skene of that Ilk.	Evidence that Skene took certain poinded oxen from Mair of Fee.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1506. July 11.	Cautionary Obligation.	The Sheriff *v.* Alexr. Wyntoun of Andait.	Robert Gordone of Uthawe becomes bound for Wyntoun for £10 payable next Monday 7 hours before noon. For which sum Wyntoun's goods had been escheat and his person in ward.
Octr. 6.	Head Court. List of absents fined.		
	Special Service. (*Ant. A. & B.* III. 516, Note.)	Janet Steuart daughter of Mariota Herveis.	Fourth part half lands of Drumblair.
	Service. Terce.	Elizabeth Berclay widow of Walter Dempstar of Auchterles.	Two parts of Barony of Auchterless Latheris Dempstar.
	Allowance of Proof.	Johne of Cowtis.	To prove that he freed and relieved John Gillespy of his borrowgang to Sir John Forman, undertaken in the Court of Dawane of Cromar.
	Allowance of Proof.	Elene Couts.	To prove that she had leave from the Bailzie of Cromar to marry Ego Makcanzeoch and still keep her lease.
	Allowance of Proof.	Margt. Gibbon.	To prove that she had a lease at Migvie.
	Warrant to Cite.	John Crichtoun.	To bring his proof of the Court of Davane of Cromar.
	Declaration.	John Myle in Petcapill.	Says in open Court that he has nothing to say to Wm. Udny of that Ilk.
	Cognition.	George Forbes of Auchintoull *v.* Alexr. Caldour of Sonnahard.	Peats "castin in the myr at the hed of the lang burn."
27.	Absents fined.		
	Special Service. (*Ibid.* III. 533.)	Thomas Urquhart son of Mr. Alexr. Urquhart Sheriff of Cromarty.	Lands of Fechry and Clochquhorby in Barony of Kynndeuard.
	Assignation.	Bishop of Aberdeen.	From Lands of Ardmiddill for second teind of Auchterless Dempstar.
	Assignation.	Bishop of Aberdeen.	For Second teind of Lands of Petcapile.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1506. Octr. 27.	Deposition of Witnesses.	John of Cowtis.	Evidence as to what took place in Sir John Forman's Court.
	Borgh and Hamald.		By John Oudny for horse sold to the Lady of Oudny by John of Myln.
	Allowance of Proof and Warrandice.	James Chene of Straloch.	4 oxengang of lands of Bethelny.
	Continuation.	Elene Couts *v.* Wm. Gordone.	Contd. to "Law day after Yuill."
	Protestation.	Robt. Gibson *v.* Waltr. Cumin.	For expenses and new citation.
	Genl. Continuation.		To Law day of Yuill.
	Special Service. (*Ant. A. & B.* III. 192.)	John Leith son of George Leith of Barns.	Lands of Ruthriestoun and fishings on the Dee. Lands of Newlands alias Erlisfelde in the Regalitie of the Garioch.
	Special Service. (*Ibid.* III. 384.)	David Leslie son of James Leslie of Pitcaple.	Lands of Petcapile and Mill. 22 bovates of Possemot. ½ Lands of Creichmond and Mill. ⅛ Lands of Ardune. ⅓ Lands of Herelaw. 3 parts of Ailhous of Legatsdene.
Nov. 3.	Apprizing.	The Crown *v.* Alexr. Couts of Ouchtercoull.	Half lands of Ouchterarne belonging to his wife.
	Apprizing.	The Crown *v.* Elizabeth Ouchterarne.	Part Lands of Ouchterarne, belonging to her.
28.	General Continuation.		
	Protestation.	John Henderson.	Protestation for expenses of himself and witnesses.
Dec. 3.	Relaxation from the Horne.	Alexander Narne.	On finding caution to appear before Justice Ayr at Aberdeen.
1506-7. Jany. 12.	Head Court. John Earl of Crawford presiding. List of absent Barons.		
	Brieve of Tutory.	Alexr. Murray, son and heir of Patrick Murray of Cowbairdy.	John Murray son of William Murray appointed Tutor.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1506-7. Jany. 12.	Obligation to pay.	By Alexander Cumin of Culter to Alexr. Bannerman of Watertoune Sheriff Depute.	5 merks annualrent out of Lands of Kilduthe within 24 hours.
	Caution for faithful Administration of Justice.	By William Chamer of Balnacraig for Andrew Keitht Burges of Kintore.	The obligation apparently refers to a court of the Lands of Balnacraig.
13.	Spuilzie.	Lady of Tolquhone *v.* George Meldrum Fiar of Fyvie.	Verdict by a majority against Meldrum but that verdict delivered on this day and on 13th and 15th April following.
Feby. 27.	Blood-drawing.	Thomas Chene *v.* Thomas Laing.	Both fined for absence.
	Blood-drawing.	Robert Stot *v.* William Martin.	Convicted and fined.
	Service. Terce. (*Ant. A. & B.* III. 14.)	Marjory Hay, widow of Henry Chene.	Terce of two part lands of Essilmont and Litill Arnage.
	Special Service. (*Ibid.* III. 450.)	Agnes Leslie one of the daughters of Henry Leslie.	Two parts Town of Ardune. Regality of Garroch.
	Special Service.	Elizabeth Leslie another sister.	Do.
Mar. 15.	Special Service. (*Ibid.* III. 151.)	William Hay Earl of Erroll to his father William Earl of Erroll.	Lands and Barony of Slains, office of Constable of Scotland, Patronage of Church of Turriff, Lands of Ratra, Fishing on Ythan called the Nether Watter in the Barony of Newburgh, Mill of Newburgh, Multures of the Lands of Knockhall, Hawdouthis and all parts of the Lands of Newburgh.
	Service. Terce.	Elizabeth Countess of Erroll.	Lands not filled in, but doubtless the same as in the foregoing entry.
	Special Service. (*Ibid.* IV. 60.)	Andrew Buchan son of William Buchan.	½ lands of Wykhorne in Barony of Kyneduart.
	Special Service.	Thomas Alexandersone grandson of Cristina Roger.	Lands of Abirzeldy held of Crown and of Gordon of Mydmar.
1507. Apl. 13.	Head Court. List of Absents fined.		

Date.	*Nature of Enquiry.*	*Parties.*	*Subject or Res Gestae.*
1507. Apl. 13.	Swearing in of Clerk of Court.		
	Depositions of Witnesses.	Alexr. Cumyng of Cultyr *v.* Thos. Cumyng.	Dispute about ownership of a drove of horses in the Forest of Birse.
	Obligation of Relief.	by Andrew Lesly to David Lesly of Pitcapill.	To relieve David of half the second teind payable to the Bishop of Abdn. for 16 years by reason of Ward.
	Lawborrows.	Mr. John Merscheall *v.* Sir Gilbert Hay of Ardendrauch.	Cautioner Sir Alexander Keitht.
	(Not disclosed.)	Robert Hill in Bethelny *v.* Francis Chene of Straloch Patrick Gordone of Methlik and Muriel Sutherland Lady of Meldrum.	8th of May fixed for discussing action between these parties.
	Special Service. (*Ant. A. & B.* III. 84, Note.)	Ninian Blynsele Son of Robert Blynsele.	An annual rent of 40/- payable from Lands of Tulicorthe in Barony of Kynnard.
	Special Service.	Gilbert Gray Son of Thomas Gray.	Land or tenement in Newburgh described in Service.
15.	List of Absents fined.		
	Procuratory.	George Meldrum Fiar of Fyvie *v.* Lady of Tolquhon.	The Procurators appointed were Mr. John Lindsay Vicar of Culsalmond John Mitchell and Alexr. Meldrum.
	Lawborrows.	John Ouchterarne *v.* Alexr. Couts of Ouchtercoull.	Cautioner Alexr. Gordone of Kennerty.
	Lawborrows.	The same *v.* John Skene.	Cautioner Alexr. Skene of that Ilk.
	Continuation.	Alexr. Cuming of Cultyr *v.* Thos. Cuming.	Continued to 8th May.
	Continuation.	Meldrum of Fyvie *v.* Lady of Tolquhon.	To 8th May premptory because all the assize "has not deliverit."
	Genl. Continuation.		8th May.
	Continuation.	Robert Hill *v.* Chene of Straloch and others.	8th May.
	Special Service. (*Ibid.* II. 12.)	John Ouchterarne nephew of John Ouchterarne.	Lands of Ouchterarne in Cromar.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1507. May 8.	Service. Terce.	Marjorie Mathesone widow of Alexr. Chamer of the Quyltis.	Contd. to 5th June next for further information.
	Continuation.	Alexr. Cumyn of Cultyr *v.* Thos. Cumyn.	Contd. to 5th June on account of the weakness of the Court.
	Citation to Court.	Matthew Rude.	Summoned by Sheriff Depute and Mair of Fee to appear on Thursday before Whitsunday.
	Procuratory.	John Gilespy *v.* John Crichtone.	Procurator Thomas (surname illegible).
	Spuilzie.	Robert Hill *v.* Mureale Sutherland.	Verdict in favor of Defender who had taken a horse 2 cows with calf and a young ox.
June 5.	Special Service. (*Ant. A. & B.* III. 89, Note.)	William Buchan son of Alexr. Buchane of Auchmacoy.	Lands of Auchmacoy and Oykorn. Annual rent of 2 merks from two part lands of Faichlie in Barony of Kyneduard. Three parts lands of Meikle Creche in Lordship of Fedray Lands of Innererny in Barony of Auchterles Allirdes.
	Spuilzie.	Lady of Tolquhon *v.* Meldrum of Fyvie.	The final decision is here recorded dated 13 Jany. 1506-7.
	Absents fined.		
	Special Service.	Thomas Alexandersone.	Abirzeldy.
	Continuation.	Cumyng of Culter *v.* Cumyng of the Hyrne.	Contd. to 28th June.
	Wrongous Occupation.	George Hay *v.* Alexr. Pantone.	Do.
	General Continuation.		Do.
	Procuratory.	Patrick Chene.	Appoints Mr. John Lindesay Vicar of Culsalmond to oppose Brieve of Mr. Alexr. Chene on the ground of bastardy.
28.	Absents fined.		
	Bastardy.	Patrik Chene *v.* Mr. Alex. Chene.	Exception of Bastardy referred to the competent Court.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1507. June 28.	Wrongous Occupation.	George Hay *v.* Alex. Pantone.	Half Lands of Tulymade. Decision against Defender by Jury.
July 29.	Special Service. (*Ant. A. & B.* IV. 46.)	John Innes son of Thos. Innes.	Half Lands of Petfour.
	Service. Terce.	Elizth. Berclay widow of Wm. Meldrum of Fivy.	Barony of Formartyne Lands of Town of Fivy Mains of Banchquhory and fishing of the same Lands of Auchneive and Ordyfork. 9th Fishing of the Water of Ythan ¼ Lands of Clayhills Aillhouse of Ellone Tempill Lands of Auld Bourty Lands of Tulynabo, Carnequhyne Ramoir and Caterloche.
	Service. Terce. (*Ibid.* III. 89, Note.)	Marjorie Burnat widow of Alexr. Buchane of Auchmacoy.	Two part lands of Auchmacoy Two part lands of Innerherny Two part lands of Oycorne Two part of a plough of Creche Two part of annual rent of two marks out of lands of Faichulty.
	Special Service.	Geo. Meldrum of Fyvie Son of Wm. Meldrum.	Tulinabo, Carnequhyne Ramoir and Catterloch in Barony of Tuliboy. Fishings on Ythan.
	Continuation.	Cumyn *v.* Cumyn.	Cont. to 7th August.
	Lawborrows.	Mr. John Merscheall *v.* Henry Chene.	John Chene Cautioner.
	Lawborrows.	Mr. John Merscheall *v.* John Chene.	Henry Chene Cautioner.
Augt. 7.	Apprising.	Patrick Berclay of Grantuly *v.* John Leslie of Warders	For sixteen score and twenty eight merks. Contd. to 13th August.
	Special Service.	Thos. Alexandersone to his Grandmother Cristina Roger.	Lands of Abirzeldy, but incomplete.
Octr. 5.	Head Court. List of Absents.		List of Assize and appointment of Doomster.
	Service. Terce. (*Ibid.* III. 519.)	Marion Leslie widow of Wm. Michelsone.	4th part Lands of Sleoche.
	Apprising.	William Hay of Ury *v.* Sir Gilbert Hay of Ardendraucht.	Five pounds worth of Third part of Lands of Auchinschogill for £100 due to Ury for marriage of his son.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1507. Octr. 5.	Special Service. (*Ant. A. & B.* IV. 111.)	George Meldrum son of Wm. Meldrum of Fyvie.	6th part Lands Ressarty 3d part Meldrum 3d part Brewhouse and harbour of Ressarty Multures of 3d part Brekauche Multures of 3d part Pettallauchy Multures 6th part Ressarty all in Kynneduard Lands of Banquhory Dewyne and fishings in Barony of Torry.
	Appointment of Clerks of Court.		
	Fixing Diet of proof.	Elizabeth Setone widow of James Lesly of Petcapill.	30th October fixed.
	Protestation.	Thomas Fraser of Stanewod.	A number of persons cited by him protest for expenses &c.
	Lawborrows.	Walter Cumin *v.* John Robertson.	George Meldrum of Fyvie Cautioner.
	Lawborrows.	John Robertson *v.* Walter Cumin.	William Berclay Cautioner
	Entry of Suitors.	Wm. Gordon of Johnsleis and Alexr. Elphinstoun of Invernochty.	
11.	Procuratory.	John Leslie of Wardes.	Appoints Thomas Leslie burges Bailie of Abd.
21.	Apprizing.	Patrick Barclay *v.* John Lesly.	Court to be held at Wardes on 10th Novr. for apprizing.
30.	Forthcoming.	Marion Duncansone *v.* Malcolme Crag.	Diet fixed for 29th Novr.
	Discharge of Spuilzie.	John Johnestone & George Meldrum of Fyvie.	This is the Lady of Tolquhone and her tenants case of Spulzie of two oxen.
	Violent Occupation.	John Cuk *v.* Umphray Donaldsone and John Symmer.	Summoned to 29th Novr.
	Contempt of Court.	John Pantone of Petmedane.	Fined for Violent language in Court.
	Fine for absence.	Mage Lesly in Buchanstown.	
	Evidence and Decision.	Elizabeth Seton widow of Jas. Lesly of Pitcaple *v.* William Michel.	Defender found liable in rent &c.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1507. Nov. 29.	Violent occupation.	Cuk *v.* Donaldson and Symmer.	Contd. to "the law day nixt eftir the fest of the nativitie of our Lord in houpe of concord."
	Forthcoming.	Marioun Duncansone *v.* Malcolme of Crag burges of Aberdeen.	Submission to Gilbert Menzies Provest of Aberdeen and Johne of Mar for Malcolme, Sir John Rutherfuird and Mr. John Lindsay for Duncanson and Alexr. Bannerman of Wattertoun Odman.
	Violent occupation.	Andrew Gary *v.* Thomas Laisk in Newburgh.	Defender consents to trial by an Assize &c. Contd. to Law day after Yule.
	Spuilzie.	Matthew Reid *v.* Andro Fergouson in Kirktoune of Tiry.	Defender summoned to appear.
1507-8. Jany. 11.	Head Court. List of Absents fined.		
	Special Service. (*Ant. A. & B.* I. 314)	William Kynedy son of Wm. Kynedy Constable of the Burgh of Aberdeen.	Raik fishings on the Dee.
	Spuilzie.	Lady of Tolquhone *v.* Geo. Meldrum of Fyvie.	Dispute about two oxen still going on. Protest by Meldrum for his expenses.
	Tutory.	Mariota Reid Daughter of Alexr. Reid of Pitfoddells.	List of Assize and Finding by them remitting a question about Reid's Will to the Bishop's Court.
	Spuilzie.	Marioun Moises *v.* Jonet Funzeis in Muirtown of Brux and others.	Summoned to first February.
20.	Caution to enter an accused.	John of Mardyss.	Accused of slaughter of William Ruk. Accused under penalty of £40 and 8 sureties in £5 each to enter at Justice Ayr.
Feby. 1.	General Continuation.		To 3d. March.
	Protestation.	Geo. Meldrum of Fyvie.	Agt. Lady of Tolquhon for expenses.
27.	Spuilzie.	Wm. Makesone at the Justice Mills *v.* Wm. Rawok in Rudrestoun and others.	Spulzie of 3 firlots meal out of house at Justice Mills. Verdict agt. accused.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1507. Feby. 27.	Lawborrows.	Wm. Mackiesone *v.* Wm. Rawok.	Thomas Leitht Cautioner
	Sentence of Fine.	Wm. Rawok.	For non-attendance when summoned.
Mch. 4.	Absents fined.		
	Caution to appear.	Wm. Foreman and John Fuird.	To appear at next Head Court. Alexr. Hay of Monquhalis cautioner.
	Receipt for Fine.	Andrew Webster.	Thos. Bisset Mair of Fee owns receipt of Fine.
	Spuilzie.	Lady of Tolquhon *v.* Meldrum of Fyvie.	Continued to next Head Court.
	Proclamation of Wapinschaw.		For 8th June.
15.	Denunciation to the Horn.	Earl Marischal Sheriff of Kincardine *v.* Alexr. Lindsay and others.	
1508. May 2.	Head Court. List of Absents fined.		
	Special Service.	James Lord Ogilvy grandson of James Lord Ogilvy of Errly.	Lands of Auld Mydmar and Kynnerny "*excepta una merca Ville de Kynnerny.*" In Barony of Mydmar.
	Special Service.	William Leitht brother of John Leitht.	Lands of Ruthristoun and fishings on the Dee Newlands or Erlisfield in Regality of Garioch.
	Special Service. (*Ant. A. & B.* III. 79, Note.)	Elizabeth Prat daughter of Thos. Prat.	An annual rent of 5 merks from Lands of Oudny.
	Special Service.	Geo. Meldrum son of Wm. Meldrum of Fyvie.	6th part Lands of Clayhills. House and Garden in Ellon.
	Terce.	Agnes Forbes Widow of Alexr. Skene of Skene.	Lands and Barony of Skene excepting Lands of Auchloche, Tulyvale and lands of two parts of Letters.
	Assignation to Bishop of Aberdeen.		Lands of Auchloche on death of Alex. Skene of Skene during ward. 7 merks 7/ and a half penny worth.
23.	List of Absents fined.		

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1508. May 23.	Lawborrows.	The Vicar of Coule *v.* Alexr. Coutes of Ouchtercoull.	Fined in absence to answer to his Caution.
	Lawborrows.	The Vicar of Coule *v.* Thos. Coutes in Kincragy.	Do.
	Special Service. (*Ant. A. & B.* III. 536.)	Thos. Meldrum son of Wm. Meldrum of Fyvie.	Lands of Edan and Milne of same Lands of Auchmoule Strathtary and Fortere of Auchmunzochne. Barony of Kynneduard.
	General Continuation.		To 17 June.
June 17.	Absents fined.		
	Apprising.	Wm. Hay of Ury *v.* Sir Gilbert Hay.	Lands of Auchinshogill reserving Terce of Margt. Leslie Widow of Wm. Hay. [*Supra* Octr. 3d. 1503.]
	Apprising.	The Crown *v.* Alexr. Couts of Ouchtercoule and Elizth. Ouchterarne his wife.	Lands of Ouchterarne.
	Wrongous intromission.	Henry Forbes of Kinnellar *v.* Williame Hairman in Thainstoun.	Carrying off crop of a rig of barley.
	Wrongous intromission.	Do.	Oat crop.
	Verbal receipt	by William Thomsone Hatmaker and spouse to Rob Bozray and Agnes Patry.	Price of Sheep sold.
	Lawborrows.	Dominus Thomas Harrowar Vicar of Coull *v.* Alexr. Cowtis of Ouchtercoull.	Sir Alexr. Irwyne of Drum Cautioner £100 penalty.
	Lawborrows.	The same *v.* Thos. Cowtis in Kincragy.	Fined for not appearing to find caution.
	Deforcement.	Mair of Fee *v.* Patry Daüisone.	On a proof Davidson's goods escheat to the King.
	Action about a Lease.	Elizabeth Setoun Widow of Jas. Leslie of Petcapill *v.* Katherine Stevin widow of John Clerk in Crechmond.	Procuratory by Defender to her son Dominus John Clerk.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1508. June 17.	Continuation of Brieve.	Isabelle Lindesay Lady Lessendrum	Contd. to 5th July.
	General Continuation.		Do.
July 5.	Court. Absents fined.		
	Spuilzie.	Laird of Mukholl *v.* John Wod.	Two steers and a young cow. Depositions of Witnesses.
	Spuilzie.	George Bisset *v.* Duncan and Sande Crage.	An ox. Depositions of Witnesses.
31.		John Allerdes of Badinskot *v.* Thos. Young.	A number of Witnesses summond protest for their expenses, both Pursuer and Defender being absent.
	Lawborrows.	John Broys *v.* Alexr. Malven Wm. Michell Arthour Forbes and thr. servants.	Thomas Leslie Cautioner.
		et e contra.	Thos. Strachin son and heir of Alexr. Strachachin of Lathinturk Cautioner.
		Thos. Strachachin son and heir of Alexr. Strachachin *v.* Jas. Garrauch of Kilstair.	Protestation that witnesses be not examined until paid expenses.
	Fine.	Walter Chapman in Monymusk.	For non attendance on citation.
	Wrongous intromision.	John Daüisone in Rothy *v.* David Stratht Mair deput.	Procuratory by Pursuer to Thomas Leslie.
	Removing.	David Chapman *v.* Walter Chapman in Monymusk.	This defender now appears and gets a proof of lease fixed for "The assumptioun of our Lady evin nixt to cum."
Augt. 17.	Court at Murland of Bourty.		Court deferred because no barons present.
	Wrongous occupation and Spuilzie, &c.	Walter Leslie alias Young *v.* John Ranaldsone in Inverury.	Land in Burgh of Inverury. Appointment of Procurator.
Octr. 3.	Head Court. Earl of Crawford. Absents fined.		Robert Mure sworn Dempster.
	Special Service.	John Cardny son of Alexr. Cardny.	Rouchlireicht excepting Brumehill and Wauchindaill in Lordship of Echt.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1508. Octr. 3.	Special Service. (*Ant. A. & B.* III. 276, Note.)	Gilbert Menzies son of David Menzies.	Myddel Petfodellis and fishings.
	Violent occupation.	William Earl of Errol *v.* John Forbes of Petslego.	Third part Mains of Petslego belonging to the lady of the Terce Isabell Wemis.
	Violent occupation.	Do.	Depositions of Witnesses as to Violent profits.
	Violent occupation.	Alex. Wentoun of Andait *v.* John Quhit and others.	Lands of Auchmaledy.
	Service. Terce. (*Ibid.*)	Katherine Wricht widow of David Menzies.	Myd Petfodellis and fishings.
	Service. Terce. (*Ibid.* III. 315.)	Agnes Forbes widow of Alexr. Skene of Skene.	Lands and Barony of Skene, Letters, &c.
	Action for Delivery.	Adam Weir Burgess of Aberdeen *v.* William King of Bourty.	24 bolls of Beir with the fodder.
	Breach of Arrestment.	Robt. Touchis in Petfor.	Summoned by Sheriff and Mairs for 31st Octr.
	Deforcement.	John Broys.	Do.
	(Not disclosed.)	William Leslie of Balquhane *v.* William Blakhall of that Ilk.	Defender's protestation for not insisting and for expenses.
	Appointment of Gilbert Menzies and John Mar as Sheriff deputes.		
	Genl. Continuation.		
31.	Court. List of Absents.		
	Special Service. (*Ant. A. & B.* III. 516.)	Christina Steuart daughter of Sir David Steuart of Rossicht.	4th part ½ lands and barony of Drumblait, 4th part lands of Towys and Culkork.
	Special Service.	Janet Steuart.	Do.
27.	Court at Auld Leys in the Barony of Leslie.		Entered in Diet Book out of date.
	Cognition.	Walter Leslie of Glascoforest *v.* George Leslie of that Ilk.	Lands debateable between them. No verdict entered.
31.	Special Service.	Henry Admowty grandson of Sir David Steuart.	Lands as in former service.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1508. Oct. 31.	Apprising.	James Redauch *v.* Alex. Wentoun of Andait.	4 merks of lands of Cullyne 7 merks of lands of Andait.
1508-9. Jany. 9.	Head Court.		List of Absents and of Assize.
	Action of Restoration and Relief.	Robert Duguid of Auchnahuff *v.* John Stewart in Kincragy and his Wife.	To appear to answer on 17th February and to relieve Wm. Thomsone and Patry Donaldsoun, who were sureties for them.
	Wrongous possession or Removing.	Wm. Chamer *v.* John Forbes and others.	To appear on 17th Feby. and produce lease if they have one.
	Procuratory.	Wm. Blackhall of that Ilk *v.* Elizabeth Cruickshank.	Defender appointed her father Robert Cruickshank and others to be her procurators.
		Janet Thomson *v.* John Robertson in Wodend of Fivy.	Defender protests for his expenses.
		Wm. Harman in Thanestone.	Fined for non attendance.
		Wm. Guthrie in Harlaw.	Do.
	Lawborrows.	Jonet Thomson *v.* John Robertson.	Alexr. Meldrum Surety.
		Andrew Gilbert.	Fined for non attendance.
	Minute of Admission.	Alexr. Coutis of Ouchtercoull.	Rents of Ouchterarne.
		Walter Leslie alias Young *v.* John Ranaldsone in Inverourie.	To produce their Writs at Pasche Head Court.
		The Crown *v.* Couts of Ouchtercoull.	Verdict against Couts and his wife.
	Wrongous Occupation.	Andrew Murray *v.* William Rawok in Ruthriestoun.	Shadow half Lands of Ruthriestoun. Contd. to Law day of Head Pasche Court for evidence.
Feby. 17.	Special Service. (*Ant. A. & B.* III. 420.)	William Johnstoun son of Alexr. Johnstoun.	Lands of Johnstoun 8th part Lands of Ardune ½ Lands of Crechmond and Mill Caskybene, Legat, Esawstoun Mill of Preddy, County of Gareauch.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1508-9. Feby. 17.	Service. Terce. (*Ant. A. & B.* III. 420, Note.)	Agnes Glastir widow of Alexr. Johnstoun.	The above, excepting Crecmond and Esawstoun.
	Wrongous Occupation.	Matthew Kynnard *v.* John Broiss.	Lease of Petskow. Contd. to 17 April for proof.
	Witnesses fined.		Robert Howy, David Mylne.
	Continuation.	Elene Wat *v.* Andrew Dune.	Contd. to Law day of Pasch Court for opening Depositions and for more evidence.
	Deforcement.	Mair of Fee *v.* William Harmane or Hayrman in Thanestone.	Two pointed horses taken from Mair depute.
	Lawborrows.	Robert Tulymorgane alias Cruickshank *v.* Wm. Blakhall of that Ilk.	James Gareauch of Kinstair Cautioner.
1509. Apl. 17.	Head Court. Absents fined.		
	Special Service. (*Ibid.* I. 290.)	Gilbert Waus grandson of Gilbert Waus.	Officium hostiarie skacarii sue capelle Supremi domini nostri regis.
	Special Service.	John Mowat of Lostcragy nephew of Mr. Wm. Mowat Canon of Abd.	A tenement in Methlick.
	Special Service. (*Ibid.* IV. 37.)	Wm. Johnstoun to Alexr. Johnstoun.	Lands of Sauchok and Dennys. Barony of Andane. Annual rent of 33/4 out of Lands of Innerwadie in warranty.
	Special Service.	Isabella Prat daughter of Thomas Prat.	Annual rent of 5 merks out of lands of Oudny.
	Special Service. (*Ibid.* III. 553.)	George Earl of Rothes son of Sir Andrew Leslie.	Lands of Rothynormund in the Barony of Balnabregh by annexation.
	Compromise. (Incomplete.)	Alexr. Chene son to Jas. Chene of Straloch *v.* John of Leith in Barnis and others.	
	Wrongous occupation.	Matthew Kynnard *v.* John Broiss.	Lease of Petskow. Verdict agt. Broiss.
	Wrongous occupation.	John Pantone of Petmethane *v.* Janet Broune and her son.	Defenders acquitted.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1509. Apl. 17.	Sentences of fine.	David Dick, David Guthrie, John Mortymer, Thomas Johnsone, Matthew Couts.	
	Spuilzie.	Aly Wat's daughter *v.* Androw Dune.	A cloak of tanny, 3 elne gray cloath, a sark and curche, and uther small geir.
	Spuilzie.	Alexr. Bannerman, Bogferlo *v.* Alexr. Annand of Ouchterellon.	Six oxen out of Lands of Knavane. Proof fixed for Saturday 2d June.
	Spuilzie.	Thos. Wodman *v.* Alexr. Wentone of Andait.	Verdict against Wodman.
	Wrongous occupation.	Murray *v.* Rawok.	Ruthrieston. Submission.
	Dispute about rent.	John Cullane *v.* Alexr. Bannerman in Bogferlo.	Lands of Knavane. Proof fixed for 2d June.
May 11.	Special Service. (*Ant. A. & B.* III. 53.)	Sir Robert Erskeine of Ellam son of Alexander Lord Erskeine.	Barony of Kellie with Mill &c. &c. Barony of Balhaggerty Mill &c. &c. Annual Rent of 4 merks of the Lands of Flanders. £100 money "de fermis burgi de Abirdene."
	Service. Terce. (*Ibid.*, 54.)	Elena Home widow of Lord Erskeine.	The above subjects.
June 2.	Absents fined.		List of Assize.
	Assault and Blood drawing.	Alexr. Nicholson *v.* Androue Mur.	Conviction.
	Assault.	The same *v.* John Watson.	Do.
	Unlawful poinding.	David Mastone *v.* Alexr. Forbes apparent of Auchintoule.	Verdict in favor of Forbes.
	Lawborrows.	Do.	Patrick Steuart of Lathers cautioner for Forbes.
	Rent.	Alexr. Mortimer of Cragyuer *v.* John Mortymer.	xxxi. sh. ½ year's rent of Hard Balhinty.
	Deforcement.	Do.	3 cows. Fined.
	Protestation.	Do.	
	Cognition.	Thos. Paterson *v.* Robert Doddis.	Division of Shadow & Sunny sides of Mydmar.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1509. June 2.	Theft.	John Braxstane or Brapstane, Alex. Alexrsone and Thos. Martin.	Summoned to Saturday next to underly the law.
	Caution or Bail.	Alex. Strachauchin of Lethinturk for his sons and others.	To enter them for 3d day of Justice Ayr.
	Dispute about rent.	Bannerman *v.* Cullane.	Knaven. Witnesses examined Contd. to 8th June.
	Spuilzie.	Bannerman *v.* Annand.	Do.
8.	Lawborrows.	Ranald Oudny *v.* David Lyoun.	George Gordoun brother to Patrick Gordoun of Methlik Cautioner.
Octr. 2.	Head Court. Absents fined.		
	Service of Tutory.	Wm. Leitht brother of the late George Leitht of Barnis and Uncle of Wm. Leitht of Barnis.	Appointed Tutor to Wm. Leitht of Barnis his nephew.
	Service. Terce.	Isabella Rait widow of Wm. Kynidy Constable of Aberdeen.	2 part Lands of Carmuk. Lands of Clayhillis except a 6th part belonging to the Land of Fyvie. Lands of Knokwithy.
	Special Service. (*Ant. A. & B.* III. 256.)	David Murray son of Andrew Murray.	Lands of Ardoche and fishings in parish of Banchory Devny. One nets fishing on Fords of Dee. Annual rent of 44/ out of Lands of Cortycrome in Barony of Slains.
	Breach of Lawborrows.	George Gordon and Alexr. Forbes	To appear on 27th Octr. for trial.
	Disputed Right of Reversion.	Thos. Fraser of Stonywod *v.* William Ranaldsone and Cristiane Urry his Wife.	To appear on 27th Octr.
	Deforcement.	The Crown *v.* Servants of Couts of Ouchtercoule.	23 Nolt. Fined. Property forfeited and to be in ward.
	Wrongous occupation.	Patersone *v.* Doddis.	Mydmar. Decision in favor of Patersone.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1509. Oct. 9.	Warrant to Poind.	Mr. Robt. Elphinstoun parson of Kincardin *v.* Walter Dugud in Craigtoun.	£44 . 6 . 8 Scots due to Pursuer.
	Apprising.	The Crown *v.* Sir Wm. Keith of Inverugy.	Cocklaw to extent of 8 merks and 32d in the year.
	Apprising.	The Crown *v.* George Gordon of Abirzeldy.	Lands of Mydmar and Kynnerny 14 merks and 2/ worth per annum. 4 merks of Mains of Echt.
Novr. 22.	Deforcement.	Mair of Fee *v.* Wm. Gordon of Scheves.	20 head of Nolt &c. Offender fined. Goods apprised and accused warded.
1509-10. Jany. 8.	Long List of absents.		
	Special Service. (*Ant. A. & B.* III. 65.)	Wm. Forbes son of Malcom Forbes.	Lands of Tochone. Barony of Formartine.
	Special Service. (*Ibid.* III. 78.)	Ranald Oudny son of Wm. Oudny.	Lands of Auchlune Moneiss and Tulgaif in Kynneduard. Lands of Oudny.
	Terce.	Isabella Ogilvy widow of Alexr. Nory.	Two part lands of Mekle Finnersy Litle Fynersy and Manecht.
	Terce. (*Ibid.* III. 78, Note.)	Jonet Seytoune widow of William Oudny.	Oudny Auchloune and Tulyache.
	Continuation.	Wm. Ranaldsone in the Crag *v.* Thos. Fraser of Stanywod.	To Friday 1st Feby. in "houp of concord."
	Protestation.	Jonet Seytoun *v.* Ranald Oudny.	Protest for new Citation, Costs Skaith and Expenses.
	Action for delivery.	James Gourlay *v.* John Adam in Newburght.	Corn taken from Gourlay and his tenants from croft called the "Stane Croft."
	Action for delivery.	Do.	An absent witness Alexr. Blak fined for absence.
	Genl. Continuation.		Friday 1st Feby.
	Warranty.	David Murray *v.* John Adam.	Of Lease of "Stane Croft."

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1509-10. Feby. 1.	Absents fined.		List of Assize.
	Spuilzie.	Henry Forbes of Kynellar *v.* Androw Riche.	"Ane broune oxe." Fined.
	Wrongous Intromission.	Marioun Mathesone *v.* Marion Gordone in the Cults of Cromar.	A herewald horse.
1510. Apl. 6.	Swearing in of Clerk.	Mr. Thomas Gourlay.	
9.	Head Court.		Wm. Earl of Erroll and Alexr. Bannerman sitting as deputes.
	Special Service. (*Ant. A. & B.* III. 105.)	Alexr. Ogilvy grandson of Sir James Ogilvy of Deskfurd.	Fishings on upper part of water of Ythane From "Macharfurd" to "Sakfurd" of Fyvy.
	Special Service.	Gilbert Waus grandson of Gilbert Waus of Meany.	Lands of Many and Easter Rowen.
	Special Service. (*Ibid.* III. 305.)	Andrew Woud grandson of John Woud of Fynnersie.	Annual rent of 2 merks of the Lands of Curtans, Barony of Drum.
	Obligation to deliver.	Sir John of Striuelling *v.* Thos. Fouler in the Leyluig.	Cow and 20s.
	Action for payment.	Henry Lord Sanclair *v.* Androw Tullidef of that Ilk.	40 Sh. annual of Lands of Logyruf. Contd. to Saturday 11th May.
	Action for delivery.	John Rany *v.* Ranald Oudny.	A cow before 11th May.
	Spuilzie.	Henry Chamer *v.* Thomas Fowler.	8 Thraif of Beir. Summons to appear on 11th May and order to cite witnesses.
	Mair depute fined.	Henry Chamer *v.* Alexr. Malvin.	For want of Diligence in execution of his office.
	Proof of discharge.	Robert Tullymorgane *v.* William Blakhall.	Rent of ½ lands of Folayblakwattir.
	Assault and Breach of Peace.	Loky Paterson *v.* David Reid & And. Walcar.	Summoned to 11th May.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1510. April 9.	General Continuation.		11th May.
	Royal Letters of Exemption from Attendance in Sheriff Court.	William Gordoun of Johnsleyes and Thomas Coupland of Udaucht.	Exempted as being in attendance at Court and with Earl of Huntlie.
May 6.	Apprising.	The Crown *v.* John Forbes of Echt.	4 merks 3/ and 4d. from 3d. part Lands of Culie.
	Apprising.	The Crown *v.* Alexr. Couts of Ouchtercule.	£8:6:8 of ½lands of Ouchterne.
11.			List of Assize.
	Apprising.	The Crown *v.* George Gordone, Patrick Forbes, John Leslie.	Kynnaries, Ballinducht, Tulidef, Corsefeld, Tolloche, for £200. Also lands of Corse belonging to Patk. Forbes of Fodirbirss. And lands of Nether Diss belonging to John Leslie of Wardes.
	Continuation.	Lord Sinclair *v.* Tulidef.	Contd. for 15 days.
	Gold Chain reference of value.	Wm. Forbes, her son *v.* Margt. Forbes Lady of Tochone.	Lady acknowledges having chain belonging to her son. Value referred to Alexander Forbes in Echsy.
	Proof of payment.	Do.	Diet assigned Saturday 1st June.
	Proof of Discharge.	Robt. Cruickshank in Tulymorgane *v.* Wm. Blakhall.	Document produced by Mr. Alex. Lawsone "prelocutor for Cruikshank."
	Assault.	Loky Paterson *v.* Reid and Walcar.	One witness absent. Another deponed that he had given "parcial consaile" to Loky Paterson.
	Continuation of Court.		Continuation to 1st June.
	Assault.	Reid *v.* Loky Paterson.	Paterson summoned to 1st June.
	Spuilzie.	Wm. Johnstone in Crechmond *v.* John Criste.	Acquitted of taking half a ferlot of beir and oats.
	Spuilzie.	Henry Chamer *v.* Thomas Fowlar.	Convicted of taking 8 thraif of beir and fined.
	Breach of Arrestment.	Do.	Fined, goods escheat & warded.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1510. May 25.	Action for payment.	Lord Sanclair *v.* Androw Tulidef of that Ilk.	Summoned for Saturday 1st June.
	Clerk sworn in.		Robert Huchonsoun elected and sworn.
June 1.	Proof of payt.	Wm. Forbes *v.* Lady of Tochone.	Wednesday 31st July as a peremptory diet.
July 31.	Proof of payt.	Do.	Depositions to be closed up until Michaelmas Head Court.
	Spuilzie.	William Watson *v.* George Forbes of Auchintoule.	A ewe. "Wereing a ewe and lamb with his hands." Destroying and eating a rig of beir. Summoned to Michaelmas Court.
	Assault.	Androw Roust *v.* Androw Strachachin.	Cited to Michaelmas Head Court.
	Dispute about a lease, &c.	Effame Ross *v.* John Ross of Auchlossin.	Contd. to Michaelmas Court.
	Genl. Continn.		Michaelmas Court.
Octr. 1.	Head Court. Absents fined.		List of Assize.
	Wrongous Intromission or Spuilzie.	John of Mylne *v.* Georg. Hervy in Elrick. et e contra.	Both found wrong and appointed to prove the respective values of articles taken.
	Action about ownership of Corn.	Lord Ersken *v.* Duncan Strachachin of Glenkyndy and Alexr. Elrik.	Corn on North side of hill of Gilmaquhilly to remain in Sheriffs hands pending decision.
	Proof of payment.	Wm. Forbes *v.* Lady of Tochone.	Contd. until Thursday 31st October.
	Witnesses fined.		
	Witnesses fined.		
	Assault blood drawing.	Ellene Stot *v.* David Sherp with the Parsone of Monymusk.	Fined for absence.
	Assault blood drawing.	John Hay *v.* John Jameson in Mossfield in Glak. et e contra.	Do.

Diet Books: Vol. I., Contents

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1510. Octr. 1.	Service. Terce.	Margaret Chamer widow of Sir Jas. Ogilvy of Deskfurd.	Fishing on Ythan.
	Spuilzie.	John Gordone of Cusny *v.* Wilzeame Mortymer in Kintocher.	Acquitted of Spulzie of two horses.
	Spuilzie.	John of Gordone of Cusny *v.* Andro. Roust and John Goddisman.	8 head of Nolt. Convicted and fined.
	Blood drawing.	Ando. Roust *v.* Ando. Strachachin.	Acquitted.
	Spuilzie.	Wilzeame Watsone *v.* Alexr. Forbes yr. of Auchintoule.	Acquitted but to pay 3*l*.
	Genl. Continuation.		31st October.
31.	Wrongous Intromission.	John of Mylne *v.* Georg. Hervy. et e contra.	Proof of values contd. to Friday 29th Novr.
	Protestation.	Thomas Patersone.	For not insisting and expenses.
	Protestation.	Mr. Thos. Scherar Henry Scherar and another *v.* Wilzeame Rossel.	Do.
	Genl. Continuation.		To Friday 29th Novr.
Novr. 29.	Procuratory.	Janet Setone widow of Wm. Oudny.	Appoints Mr. Alexr. Setone, Vicar of Bothelny.
		James Chene of Straloch *v.* —— in Bothelny.	Contd. to Head Court on 7 Jany. on account of "waiknes of the Court and Barons, to decid upone the samyne."
	Admission to "Borgh."	Alexr. Couts of Ouchtercoule *v.* Ando. Smyt. in Ald Abirdene.	Offer to allow goods to "borgh" on caution being found.
	Lawborrows.	Ando. Smyt. *v.* Coutts of Ochtercoule.	John Forbes of Echt cautioner.
	Assault Blood drawing.	Law Riddaill *v.* Sande Douald.	Fined in absence.
	Genl. Continn.		Tuysday 7 Jany.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1510. Novr. 29.	Royal Letters to Sheriffs of Inverness Banff Elgyne Fores and Aberdeen.	Ando. Smyt. *v.* Setones.	Warrant for apprehension of the accomplices of William Setoun sone to Alexr. in Strathour (or Strachone) for the slaughter of Alexr. Angusone dated xx. Apl. and xxiii. year of James IV.
1510-11. Jany. 7.	Head Court. Absents fined.		
	Spuilzie.	Thos. Chapman *v.* Robert Dodis in Mydmar.	An ox. Convicted by Jury and to restore.
	Lawborrows.	Thos. Chapman *v.* George Gordone of Abirzeldy.	Alexr. Gordone of Kennerty Cautioner.
	Action of Relief.	John Waggerale *v.* Patry Cusny and Johne Cuming.	To relieve Waggerale of rent of part of lands of Blarodauche occupied by them. Contd. for proof.
	Wrongous occupation.	Do.	Fined.
		Couts of Ouchtercoule *v.* Ando. Smyt. alias Angusone.	Case settled.
	Sentence & fine.	John Leslie of Wardes *v.* Burgh of Kintore.	Duncan and Loky Gaw fined for non attendance.
	Sentence & fine.	John of Mylne *v.* Georg Hervy.	Georg Gardin witness fined.
	Action of damages.	John Allardes of Badinscot. *v.* Thos. Bisset Mair of Fee.	Loosing of arrestment agt. Johne of Wyne (Oyne) denied.
	Wrongous Intromission.	John of Mylne *v.* Georg Hervy. et e contra.	Decided each to make certain restoration to the other.
Mar. 13.	Appointment of a Sheriff Depute.	Provost Gilbert Menzies.	Earl of Erroll Sheriff.
	Appointment of Mair Depute.	William Scrimgeor.	
31.	Proclamation of Outlawry.	John of Iruyn in Badarauche.	
1511. Apl. 29.	Head Court.		Earl of Erroll, Sheriff.

Diet Books: Vol. I., Contents

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1511. Apl. 29.	Building Contract.	Bishop Elphinstone *v.* John Fyndeor wright.	Steeple on Cathedral Church of Aberdon.
	List of Absents.		
	Wrongous intromission and Spuilzie.	Isabel Crookshank *v.* Wm. Blakhall of that Ilk.	Blackhall acquitted. Littlefolayblakwatter.
	Action of payment annual rent.	Henry Forbes of Kinellar *v.* John Abell.	15/ annualrent out of four roods in Burgh of Kintore.
	Appointment of Sheriff depute.	Alexander Bannerman of Waterton.	
	Lawborrows.	Wm. Watsone *v.* Henry Setoun.	Sir Alex. Irving Cautioner.
	Lawborrows.	The same *v.* Robt. Setoun.	Pat Gordone of Johnsleis Cautioner.
	Appointment of Mairs depute.	Walter Masone John Murray & Andrew Watsone.	
	Order that all persons formerly summoned to find sureties to enter to Justice shall in case of failure be declared rebels.		
	Action of Wrongous Intromission.	John of Mylne *v.* Georg Hervy. et e contra.	Final decision and settlement.
	Sentence of Fine for not appearing.	Fergus Findlay *v.* Philp Fouler.	
		William Watsone *v.* Henry & Robert Setoun.	Contd. to Court in May in hope of concord.
May 19.	List of Absents.		
	Special Service. (*Ant. A. & B.* III. 408.)	Alex. Gordone son of Wm. Gordone.	¼ part Lands of Netherboddom in Regality of Garioch.
	Apprising.	John Lord Flemyng.	Lands of Alde goulis and Litle Govlin in Barony of Monycabok.
	Lawborrows.	Patrik Diky *v.* Henry Forbes of Kinnellar.	Ranald Oudny of Oudny Cautioner.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1511. May 19.	Appointment of Sheriff Dep.	John Mar.	
	Genl. Continn.		To 13 June.
22.	Special Service. (*Ant. A. & B.* III. 256.)	Wm. Murray son of David Murray.	Lands of Ardache (Ardoe) with fishings in Parish of Banchory Devenick. Fishings of Fords of Dee, annual rent of 44/ from Lands of Cortecrome Barony of Slains, annualrent of 6 merks from Lands of Tormschon in Ellon.
	Service. Terce.	Agnes Strauchachin widow of David Murray.	
	Relaxation from the Horn.	John Fidler.	Art and part in a manslaughter.
	Special Service.	Robert Anderson alias Ruds grandson of Robert Andersone alias Ruds.	Ruids of Lands in Inverury.
June 13.	Denial by Mair Depute.		
	Protestation.	William Watsone *v.* Robert Setoun.	Defender appears and protests for his expenses &c.
	Genl. Continn.		To July 3.
July 3.	Spuilzie.	Georg Tailzeour *v.* Johne Arthur and ors.	Defender protests for expenses &c.
	Sentences of Fine.		
21.	Lawborrows.	Wm. Wormit *v.* Adam Fif and Duncan Fif.	Wm. Fraser of Durris Matthew Branche are Cautioners.
	Continuation of the case	of Fif.	To 22d July.
	Genl. Contnn.		Do.
26.	Act of Caution.	John of Dun.	
Aug. 5.	Blood drawing.	Elene Gavain *v.* Duncan Mathousone and Patry Moir.	Accused pleaded guilty and were fined.
Sept. 30.	Special Service.	Wm. Murray to grandfather David Murray.	Roods and parks at Newburgh described fully.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1511. Sept. 30.	Special Service. (*Ant. A. & B.* III. 375.)	Alexr. Inglis son of John Inglis of Colquhailze.	£20 of Inveramsay Pitbee and Newlands Barony of Balhagarty.
	Terce.	Nicola Forbes widow of John Gordoun of Nethirboddum.	¼ part Lands of Under boddum and Carniestoun.
	Action for re-payment.	James Fyndelaw and others *v.* John of Cullane.	£4 of double mail received from Pursuer for Lands of Petbe.
	Decree for expenses.	Henry Forbes of Kynnellor *v.* John Abele.	Defender found liable in 20/- of expenses.
	Spuilzie.	John Abel *v.* Henry Forbes of Kynnellor and others.	Six threaves of beir with the fodder. Defender acquitted.
	Spuilzie.	John Baidienagh burgess of Inverury *v.* John Curry and Margt. Malvin his wife.	24 threaves of oats out of a piece of ground called "the Stanners" in the Burgh of Inverury. Guilty, fined and to restore.
	Action for Rent.	Adam Weir Burgess of Aberden *v.* Androw Blak in Harlaw.	Rent of third of Milne Lands of Petcapill 2 merks 8d. John Blak and Androw Swap to relieve the Defender.
	Continuation.	John Forbes of Brux *v.* David Wattirstoun.	Contd. to 31st Octr.
	Protestation.	John of Cullane *v.* Alexander Inglis.	Cullane complains that Inglis had summoned him before the King and Council but would not give him a copy of the summons.
	Action for rent.	John of Mar in Newburgh *v.* John Adam.	Decree agt. Adam, but to have relief agt. Wm. Murray heir of Andw. Murray.
	Desertion of Service.	Thomas Gray of Scheves *v.* Symone Wobster in Caldwellis.	Defender fined for not appearing.
	Witnesses fined.	Henry Forbes of Kynnellor *v.* Patry Diky.	John Walcar in Cartrailzeane and two others cited as witnesses fined for absence.

Aberdeenshire Sheriff Court

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1511. Sept. 30.	Blood-drawing.	Andw. Mengeis *v.* Androw Burnat Burgeis of Aberdeen his master.	Burnat fined for not appearing.
	Blood-drawing.	Patry Mostrop in Futy *v.* Thome Towy in Futy.	Towy fined for not appearing.
	Blood-drawing.	Patry Tailzeour *v.* Robert Anthone Tailor in Aberdeen.	Anthone fined for not appearing.
	Blood-drawing.	Anny Findelaw *v.* Marioun Clerk Spouse of Adam Weir.	Clerk fined for not appearing.
	Agreement.	Nichol Elphinstone of Glak *v.* Alexr. Walcar in Petscurry Thos. Walcar his son and John Davidsone.	Settlement of what was to be paid for peats from the moss of Glak.

Illustrative Examples taken from Vol. I. of Diet Books

Actions of Spuilzie

This was the action by which, of old, a person who had been spoiled or despoiled of any moveable property or goods, which were *de facto* in his possession, and had been so for some little time, sought to recover them or their value from the despoiler. The word is found variously spelled—Spulze, Spulzie, Spuilzie, Spoilzie, Spoylzie, Spoliacioun, and Spoliatioun being among the variations. The wrong done might be little more than technical, or it might be highly criminal; but if property was taken *brevi manu*, or otherwise than in due course of law, it was not a sufficient defence to say that by rights, or according to equity, it belonged to the defender. The pursuer had only to allege and prove that it was in his possession, and his by repute, and that the defender had taken it, in order to succeed in his action. Many examples of this form of action are found in the Diet Books, and most of those in Volume I. are here given, together with specimens of evidence taken in such actions, even where no decision is recorded.

I.

(Before 31 July 1503)

The said day Comperit Patrick Ogiluy procuratour for Patrick Gordoun [illegible] wardar of the lands of Meldrum and followit and persewit thir persones Murtho Thome Murtho Sandy Scheves Duncan Robertsone Waltir Robertsone Robert Hill Georg Johnstone Thomas Cotman with uthers thar complices for the Spoliacioun of xviii^{xx} bollis of aits with the foddir spulzeit of the hill of Bathelnay quhilks personis lauchfully summond warnit comperit and accusit denyit the said spulzie And incontinent thareftir the said action of spulze with consent of baitht the said partys was put to the decisioun of ane assise of thir personis baronis frehaldars & gentilmen undir writtin that is to say Andro Frasser of Stanyvod Williame Craufurd of Federay Henry Annand of Ouchterellone Andro Tulidef of that ilk Henry Forbes of Kynnellor Robert Dugud of Auchnahuff William Blakhall of that ilk Johne Frasser in Ardglassy Robert Setone Thomas Chamer of Strathechin James King of Bourty Alexander Skene of that ilk Walter Berclay of Towy Robert Burnat of Balmad George

Lesly of that ilk Alexander Johnstone of that ilk & Johnne Dunbrek of that ilk quhilks riplie avisit the greit aitht suorne the richts ressonis allegacionis of baitht the said partys herd sene considerit and understandin deliuerit and furthgaif be the moutht of the said Williame Craufurd that thai culd not acquit the said personis of the spoliacioun of the said cornis becaus it was sufficiently preuit befor thame that thai spulzeit the samyn For the quhilks the said Low Murtho Thome Murthow Sandy Scheves Duncan Robertsoun Walter Robertsoun Robert Hill Georg Jhonstoun and Thomas Cotman thai & ilk ane of thame was adiugit in amerciament of the said court for as thai aucht to tyne of law for the vrangfull spoliacioun of the said cornys And als was adiugit to restor the said cornys And to pay v. sh. for euery boll with the foddir becaus it was sufficiently previt the said corne was samekle of waile in tyme of the spoliacioun therof

II.

(14 May 1504)

The said day the Shreff assignit the nixt Shreff Court of Aberdene to be haldin withtin the tolbutht of Aberdene one Saturday the first day of Junij nixt to cum to Ormunde in Pettodry Johnne Donaldsoun in Knokallochie & Williame Diky in Drumdornotht to preiff sufficientlie the stak of aits contenyng fourty bollis price of the boll witht the foddir 6sh. 8d. follouit be Jhonne Reide was bocht fra Sir Jhonne Symsoun, Chaplane And the said Sir Jhonn tuk him to preiff sufficiently the said aits bocht be him fra Johne Reid and dais of pament maid betuix thame

(Eo. die)

The said day Thomas Leslie forspekar for the said personis protestit for thar costs skaiths and expensis maid be thame throw the pursewt of Johnne Reid

(1 June 1504)

The said day Henry Suaipe duelland in Drumdurno deponit be his aitht that Ormonde in Pettodry bocht the stak of aits followyt be Johnne Rede perdoner[1] fra Sir Johnne Symsone Chaplane at Logydurnoth and the said Sir Johnne bocht the said stak of aits with the fodir fra the said Johnne Rede perdoner

William Patersone in Drumdurnoth concordis witht the said depositioun

Johnne Little Johnne in Drumdurnoth concordis with the said depositioun

Alexr. Young in Logydurnoth concordis with the saide depositioun

1 Pardoner, *i.e.* a seller of Papal Indulgences.

(Eo. die)

The saide day it was deliuerit be the said assiss that Ormonde in Pettodry Jhonne Donaldsoun in Knockalloche ande Williame Diky in Drumdurnotht was fundin quyt be the said suorne assiss of baronis ande frehaldars of the saide Shrefdome suorne the gret bodely aitht of the spoliacioun masterfule avaytakin ande withhalding of ane stak of aits fra Jhonne Rede perdonir out of Andro Nicholsone yarde in Pettodry followit & clamyt be the said Jhonne Rede perdonir be my precepts direct therupoun

(The Assize in the foregoing case were—
Alexr Irvine of Drum
Wm Fraser of Phillorth
Sir Gilbert Hay of Ardendraucht
Wm Craufurd of Fedderay
Walter Barclay of Towy
Alexr Skene of that Ilk
Alexr Caldour of Sonnahard
Alexr Johnstoun of that Ilk
Andrew Buchan of Auchmacoy
Alexr Mortymer of Craigievar
John Gardin of Lathers
Wm Blakhall of Bourty
John Dunbrek of that Ilk
Wm Blakhall of that Ilk
George Lesly of that Ilk
Henry Forbes of Kynnellor
William Turing of Foueran
Andrew Crage of Crageffintra
John Ross of Auchlossin
Alexr Wentone of Andait
John Dawgarno of Garinffintra
Thomas Burnat of Gasks
Alexr Cromy of Petmethane and
Thomas Burnat of Balmad
24 in all).

III.

(31 July 1504)

The said day Williame Maitland at the Chepaltoun of Scheuess was maid quyt of the spoliacioun of ane meir follouit be Sande Stut be the said assiss suorne therto

(The Jury here numbered 11.)

IV.

(1 February 1504-5)

The said day James Urtane in Auchinfourty was conuict be the said ane *(sic)* assiss for the spoliacioun masterful away taking and withhalding of nyne thraif of aits and fyve thraiff of beir out of the landis of Blakhall quhilk was arrestit at command of William Blakhall of that Ilk[1] be his officiar of the ground for the quhilks the said James was in ane amerciament of the said Court and aw to restor the said ground

V.

(Eo. die)

The said day Duncan Mortimer in Nethir Auchquhorty and Alexander Forbes of Auchorty war conuict be the said assiss of the spoliacioun of ane gray horss follouit be Johne Wat duelland in the Glasco of Knokinblewis and of ane heving ax fra Johnne Patry duelland at the Myln of the samyn

VI.

(29 April 1505)

The said day Williame Scrimgeour ane of the maris deputs of Abirdene at command of the Shref lauchfully summond Andro Eliss one that ane part to compeir the said day and place [within the Tolbooth of Aberdeen on Saturday, 17th May] befor the Shref of Abirdene thar to ansuer at the instance of Andro Lesly for the wranguiss spoliacioun awaytakin & withthalding fra him of ane gray horss price iij lib

(Eo. die)

The saide day Patry Jamesone deponit be his aithe that the lard of Warders gaf the gray horss to Androu Leslie and he saw Androu Elyss have hyme and one hyme rydande in the ground of the Quhiltis[2] lange tyme thareftir

(17 May 1505)

The said day Johnne of Mar fand ane borgh in the hands of Thomas Bisset mair of fee of the said Shrefdome that thiftuisly Andro Elison hed stowin ane gray hors fra Andro Leslie and the lard of Balquhane come souerte for the said Johnne of Mar to folloue the said borgh and Robert Dogud of Auchnahuf come souerte to enter the said Andro Elisone befor the said Shref of Abirdene or his deputs ane or mai in the

1 William Blakhall of that Ilk seems to have been one of the assize.

2 Probably Cults in Kennethmont.

Shref Court of Abirdene to be haldin within the tolbuthe of the burgh of Abirdene one Saturday the vii day of Junii nixt to cum in the hour of caus

(7 June 1505)

The said day Robert Dogud of Auchnahuf enterit Andro Elisone befor the said Shref deput thar till ansuer to the borgh and underly the law fundin one him be Johnne Mar forspekar for Andro Lesly for the thiftuiss steling of ane gray horss fra the said Andro Lesly as in the act of the buk obefor maid tharupoun mair fullely is contenit

(Eo. die)

The said day William Leslie of Balquhane oblist him be his hand landes and gudis that Andro Lesly sall compeir befor our Soueran Lordis Justice the thrid day of the nixt Justice Ayr of Abirdene to be haldin within the tolbutht of the samyn burgh be himself or his procuratouris thar to folloue the borgh of thift fundin one him be Johnne Mar forspekar for the said Androue Elisoun for the thiftuiss steling fra him of ane gray horss undir the pane of xl lib

(Eo. die)

The said [day] Robert Dogud of Auchnahuf oblist him be his hand lands and gudis to enter Androw Elisone the thrid day of the nixt Justice Ayr of Abirdene to be haldin within the tolbuith of the burgh of Abirdene thar to underly the law and ansuer to the borgh of thift fundin one him be Johnne of Mar procurator for the said Andro Lesly for the thiftuis steling of ane gray horss

[At this point the case, which seems to have been a spuilzie of the criminal kind, disappears from the Sheriff Court.]

VII.

(12 May 1506)

The said day the Assiss continevit the Actioun of Spulze betuix George Meldrum of Petkerry & the lady of Tochone & hir mene anent the spoliacioun of tua oxin to the nixt heid Shref Court of Abirdene to be haldin eftir the fest of Sanct Michaele in siclyk force forme & effect as it stands nowe but preuidice tile any party becaus the said actioun is gret & doutwys to thame Ande the principale barones mast of knawledge ande undirstandin ar not present Ande ordanit the deposicionis of the Witnes taken in the said actioun be closit & kepit to the said Court ande newe precepts be directit to batht the said partiis to summond thar Witnes to the said Court tile-inforce & preiwe thar allegeance in deu forme to the informacioun of the assiss & to bring with thame thar richts & resonis concerning the said actioun

(6 June 1506)

The said day the Sreff assignit the thrid day of July nixt to cum to Margret Forbes lady of Tochonne and hir men one that ane part and to George Meldrum fear of Fiwy one that uthir part witht an express consent and assent of the said partiis to compeir befor him in the Shref Court of the said Shreffdome to be haldin withtin the tolbutht of Abirdein as day of permptour for ane finall decret decisioun and end to be hed anent the spoliacioun of tua oxin persewit and follouit be the said Margaret and hir men agane the said Georg as law will but ony excepcioun delatour and ordanit thame to bring with thame thar richts resonis witnes and previs quhilks thai haue and will wiss in the said mater and ordanit precepts to be direct to summond the assiss that passit apoun the said mater obefor and uthers best and worthiast withtin the Shrefdome lest suspect and best knauis the werate to compeir the said day to pass one ane assiss

(3 July 1506)

The said day becaus the actioun of Spulze of tua oxin follouit & persewit be Margaret Forbes lady of Tochoun & hir mene agane George Meldrum fear of Fywe has beine diuerss tymes continewit as yeit with consent of baitht the said partiis the samyn actioun was continewit to the nixt hed Court of the said Srefdome to be haldin withtin the Tolbutht of the burghe of Abirdene one Tuysday the sext day of October next to cum becaus the haile baronis & frehaldars wald be present that day to have ane finale decisioun according to Justice

(13 January 1506-7)

The xiij day of the monetht of Januar the yeir of Gode j[m] fiwe hundreth & sex yrs We Williame Craufurde of Federay Alexr Mortimer of Crageuer Williame Turing of Fouerne Androw Tulidef of that Ilk Johne Ross of Auchlossin Ranald Oudny sone & appering ayr to William Oudny of that Ilk & Johne Dunbrek of that Ilk ane part of the assiss chosin & suorne obefor to determe & knawe anent the actioun of Spulze of tua oxin follouit & persewit be Alexr Scheres & Johne Johnesone agane George Meldrum fear of Fywe out of the lands of Fywe pertening to Margaret Forbes Lady of Tochone That quhar the said Georg befor the Shref deput of Abirdene denyit the saide spulze & tuk to preiwe that the saide Alexr Scheras & Johne Johnesone deliuerit to him the said tua oxin to be prisit for his anuell &c Deliuers & finds that the said George has falzeit in his preiwe for ony thing that we have seyne as yet Writtin & deliuerit under part of our selis & subscriptionis of our hands day & place forsaid[1]

1 Only seven of the Jury meet and come to a finding on this day.

(13 April 1507)

The xiij day of Aple the yeir of Gode j^{m}v^{c} & vij yeirs Alexr Skene of that Ilk Jonhne Forbes of Echt & George Leslie of that Ilk deliuers that the said George has falzeit in his preiwe for ony thing that thai hed seyn as yet becauss the said tua oxin was unorderlie tane and aw to restoir the samyn oxin to the said mene & to the ground & Williame Blakhale of the Baroche of Bourty deliuerit that the said George Meldrum hed falzeit in his preiwe anent the said tua oxin[1]

(15 April 1507)

The xv day of Aple forsaid Alexr Johnstone of that Ilk deliuerit & fand the said George Meldrum quyt of the Spulze of the said tua oxin Robert Burnat of Balmad deliuerit be his aithe that George Meldrum hed falzeit in his preiwe anent the said tua oxin & that thai was unorderlie tane & awe to restor thame agane[2]

(15 April 1507)

The said day the Shreff continewit the deliuerance betuix the lady of Tochoun and George Meldrum fear of Fiwe to the viij day of May[3] that nixt cummis becaus ale the assiss has nocht deliuerit And summond the said George's procuratours personaly to compeir the said day to heir the said deliuerance to be deliuerit and that the said deliuerance be deliuerit that day but ony langer delay

(5 June 1507)[4]

The xiij day of the moneth of Januar the yeir of God j^{m}v^{c} ande vi yeirs William Craufurd of Federay William Turing of Foverne Andro Tulideff of that Ilk Johnne Ross of Auchlossin Ranald Oudny sone and appering ayr to William Oudny Johne Dumbrek of that Ilk Alexr Skene of that Ilk & Robert Burnat of Balmad & William Blakhall of the Bareouche of Bourty William King of Bourty Robert Lumysden of Madlar & Andro Crag of Crag-Fintray chosin ande suorne in ane assiss befor ane honorabill man Alexander Bannerman of Watertoun Shref deput of Abirdene to decid anent the spoliacioun of tua oxin follouit and perseuit be Alexr Scheres and Johnne Johnesone agains George Meldrum fear out of the lands of Fiwe pertenyng to Margaret Forbes lady of Tochone that quhar the said George denyit the Spulze and tuk to preiwe that the said Alexr Scheres and Johnne

1 Four more of the Jury give sentence.

2 Here we have the findings of other two Jurors.

3 No entry is found on 8th May; but it may be assumed that the case was called and continued.

4 It will be observed that, although entered of this date, the verdict is dated 13th January. The discrepancies in the names of the Jurors are also strange.

Johnesone deliuerit to him the said tua oxin to be prisit for his annuell etc Deliueris & fynds that the said George has failzeit in his priewe & has done wrang in the takin of the said tua oxin ande awe to restoir thame agane to the said Alexr and Johnne or ellis the valour of thame Ande the Sreff ordanis precepts to be direct tharupoun

(30 October 1507)

The said day Johnne Johnesone opinly grantit that he had ressauit and takin be the handis of George Meldrum of Fiwe full pament of his part of the tua oxin takin fra him and Andro Scheras and of all costs skaiths dampnes and expenss maid and sustenit tharthrou Ande quietclamyt the said George his ayris executouris ande assignais now and foreuer And attour he denyit that euer he maid Margret Forbes lady of Tochone nor Alexr Forbes in Echse his procuratours to follou the said George for the said oxin nor yit for costs skaiths and expenss

(11 January 1507-8)

The said day in the actioun and caus persewit and follouit be Margret Forbes lady of Tochone agains Alexander Scheras and Johne Johnesone anent thar richtis of tua oxin taken fra them be George Meldrum of Fiwy and the costs and expenss maid and sustenit be thame as in the precepts direct tharupone is contenit It was sufficiently preuit that the saidis Alexander and Johne has given ale thar richts that thai hed or mycht haue to the said tua oxin and to the expenss maid be thame and hir to folloue the said oxin and expenss And that thai tuk pament fra hir for the samyn thre yeiris bigane and surrogat hir in thair richt anent the said oxin and expenss

(Eo. die)

The said day Master Johnne Lindesay procuratour for George Meldrum of Fiwy solemptlie protestit for his costs ande expenss maid and sustenit becaus he was summond to the said Court to ansuer at the instance of Margaret Forbes lady of Tochone procuratour as scho allegeit to Alexander Scheras and Johne Johnsone becaus scho follouit not the saide George or euer scho be hard in jugment in tyme to cum

VIII.

(6 June 1506)

The said day Dauid Riddaill in the Smithehill was conuict be the said assiss for the wranguiss spoliacioun awatakin and withthalding of ane ox of William Grais out of the lands of Drumbrek for the quhilkes he was in ane amerciament of the Court and to restoir the said ox and to amend as law will and forbear in tyme to cum and that was geuin for dome

IX.

(3 July 1506)

The said day William Rannaldsone yongar in Diss William Mortimer and Robert Reid in Logy was maid quyt of the spoliacioun masterfule heuin & detencioun of the grene wode of the lands of Litill Dyss & of ane bog of the said lands follouit be Williame Johnestone secunde sone to Alexr Johnestone of that Ilk be the said assiss immediate befor writtin

X.

(3 July 1506)

The said day George Leitht of Barnys deponit be his aitht that William Warrandir spulzet ane pee & ane huid fra Gilbert Red price of the pe ii s price of the huid iiij d

XI.

(11 January 1507-8)

The said day Thomas Bisset mair of Fee of the said Shefdome at command of the Shef summond warnit and chargit Jonet Funzeis in the Newtoun of Brux Johne Brabner in Cottishill and Waltir Bothill in Unerdrummellouche personaly apprehendit to compear befor the Shef of Abirdene or his deputs ane or mair in the Shef Court of Abirdene to be haldin withtin the tolbuth of the samyn one Tuisday the first day of the moneth of Februar nixt to cum in the hour of caus thar to ansuer at the instance of Marioun Moises for the spoliacioun fra her of ane cowe price xxviij s And summond Cirste Richeson Andro Richeson Johnne Forbes Johne Toschay Cirste Rerincshon to compeir the said day to beir leill witness in the said mater in sa far as thai knave and sal be sperit at thame

XII.

(27 February 1507-8)

The said day William Makesone millar duelland at the Justice Mills of Abirdene follouit William Rawok in Rudristone David Eduard & Alexr Duncan duelland in the said toun for the spoliacioun masterful awaytakin & withhaldin fra him of thre firlotts of meil out of his houss at the saids mills quhilk spoliacioun the saids personis denyit & incontinent it was put to the decisione of thir personis chosin and suorne in ane assiss that is to say [here follow names of jurors 19 in number] quhilks riply auisit the rychts resonis and allegaciouns of baitht the partiis hard sene and understandin witnes & pruiss producit suorne & deponit

fand & deliuerit be the moutht of the said Andro Strachachin forspekar of the said assiss ale in ane voce concordand that thai coude not acquyt the said William Rawok Dauid Eduard & Alexr Duncan of the spoliacioun of the said thre firlotts of meile for the quhilks Ilk ane of them was in ane amerciament of the Court &c and tile amend as law wile and forbeir in tyme to cum and that was geuin for dome be the moutht of William Fynne dempstar of the said Court

XIII.

(8 May 1507)

The said day comperit Mureale Sutherland the Relict of umquhill Alexander Setone of Meldrum lauchfully summond till ansuer at the instance of Robert Hill for the wranguis takin fra him of ane broune hors price xxxviij s tua ky with calf price of the pece xx s and and ane yong ox price xiiij s out of the lands of the toun of Bothelny awouyt [avowed] the takin of the said guds be hyrself and Master James Setoun hir forspekar for hir maile of the said lands perteining till hir be resone of terce Ande thereftir producit ane precept of the Srefs direct to the Mars making mention that thai hed kennyt hir till hir ressonabill terce of the said lands for the quhilks it was fundin that the said Mureale hed done nay wrang in the takin of the said guds

XIV.

(5 July 1508)

The said day Duncan Roger deponit be his aitht that Johnne Wood spulzet out of the lands of Mukholl fra the lard of Mukholl tua steirs and ane yong cow price of the pece xij s Ilk an of tham thre yeris auld and ane steir of tua yers auld price vi s aucht pennis quhilks gudis was prisit to the said lard befor the away takin of thame and was under his arrest or thai war spulzet

Williame Foular concords in ale things witht the said Duncan Roger's deposicioun

Thomas Mar concordis in ale things witht the said Duncan's deposicioun

Petyr Mar concordis in ale things witht the said Duncan Roger's deposicioun

XV.

(5 July 1508)

The said day Johnne Blinseill deponit be his aitht that he knew naything

Johnne Smitht deponis be his aitht that he herd say Duncan Crag and Sande Crag chapman spulzet ane ox out of the Lathis fra George Bisset price xviij s And herd say that thai kest doon certan houss of the said George and tuk away certane tymmer and is skaithtit tharintill xxiiij s

Johnne Clerk deponis be his aitht that he arrestit ane ox one George Bisset's behalf quhilk Duncan Crag and Alexander Crag chapman hed away and the said Johnne Clerk arrestit the timmer and he herd say that thai hed away the tymmer

Alexander Richerdsone deponit be his aitht that Duncan Crage and Alexr Crag chapman spulzet an ox out of the Lathts fra George Bisset quhilk ox was wortht xviij s and thai kest doun certan houss of the said Georgs and the biggin is skaithit but he wait nocht how mekle quhill it be prisit

William Kelly deponit be his aitht that Duncan Crag and Alexr Crag chapman spulzet ane ox out the Lathts fra George Bisset wortht xx s and thai tuk doun certan houss of the said Georgs quhilks houss is skaithit xxiiij s etc

XVI.

(17 April 1509)

The said day It was fundin that Androu Dune had spulzeit Aly Wattis douthir of ane Cloik of tanny thre elne of gray claitht ane sark and curche and uther smale geir as is contenit in the precept impetrat tharupone for the quhilk he was in amerciament of the Court etc

XVII.

(Eo. die)

The said day the assiss befor writin fand and deliuerit that Alexr Wentone of Andait was quyt of the spoliacioun of xx bollis of aitts ij dusane of caponis perseuit be Thomas Wodman And alsua thai deliuerit that Thomas Wodman has wrangit for the wranguiss withhaldin of a dusane of caponis fra the said lard of Andait and aucht to pay him yerlie induring the termes of his assedatioun a dusane of caponis with the pertinence to be ettin in his hous on the Breklaw And that the said Thomas had done wrang in the away takin of certane caponis thai being under the said Alexander Andaitts arrest for the quhilks the said Thomas was in amerciament of the Court And tile amend as law will And that the said Thomas has done na wrang in the occupatioun of the tak of Breklaw and aw to breuk the samyn efter the tenour of his assedatioun And ordanit the said Alexander to gif him ane enteress

to thak and raip of the said tak eftir the tenour of the Acts of Parliament And sale nocht inquiet him in the peciable breuking of the said tak in tymes bigane and to cum forthir na his assedaction

XVIII.

(1 February 1509-10)

The said day the assiss befor writin deliuerit and fand that Androue Riche hed spulzeit ane broune oxe fra Henry Forbes of Kynnellar price ij marks out of Dulab be the suorne preuiss producit befor thame for the quhilks he was in ane amerciament of the Court etc

XIX.

(9 April 1510)

The said day Alexander Malvin at command and charg of the Shref summond Thomas Fowler Johnne Andersone and James Esdaill to comper the xi day of Maij nixt to cum at the Instance of Henry Chamer for the spoliacioun of viii thraif of beir perteinyng to hyme that is to say the said Thomas to ansuer for the said spoliacioun And the said Johnne and James to beir leill witness betuix the said personis

(11 May 1510)

The said day Thomas Fowlar in the Leylug was conuict be the said Assiss for the spoliacioun masterfull awaytakin and awayhaving of aucht thraif of beir out of certane Rudes and Croftis liand in the burgh of Kintor pertening in heritage to Henry Chamer for the quhilks he was in amerciament of the Court and till amend as law will and forber in tyme to cum and that was geuin for dome be the moutht of Wilzeam Fynne dempstar of the said Court

XX.

(31 July 1510)

The said day Alexander Malvin mar deput at command of the Shref summond Alexander Forbes sone and ayr till George Forbes of Auchintoule one that ane part to ansuer at the instance of Wilzeame Watsone for the wrangouss spoliacioun awaytakin and withhalding fra him of ane you price iiij s And for the wereing[1] of ane uther yow and lambe with his handis And for the distructioun and etting of ane rig of beir apprisit to half ane boll of beir extending to xiii s iiii d the boll with the fodir eftir the tenor of the precept geuin tharupoun And als summond the said Wilzeame to comper the said day[2] and place to

1 Strangling.

2 Wednesday after Michaelmas Head Court as stated in the immediately preceding entry in the Diet Book.

follow the said spoliacioun quhilks personis the said mar summond personaly in jugment befor the Shref in plane court

(1 October 1510)

The said day Alexander Forbes sone and appering ayr til Georg Forbes of Auchintoule was maid quyt be the said Assiss for the spoliacioune of ane you clamyt be Wilzeame Watsone And for the wereing of an uther you & a lambe with his handis And for the distructioun and eting of ane Rig of beir clamit be the said Wilzeame Nochtwithstanding the said Assiss ordanis the said Alexander to pay iij s to the said Wilzeame

XXI.

(1 October 1510)

The said day Wilzeame Mortymer in Kintochir was quyt be the said Assiss for the spoliacioun of tua horss out of the landis of Campfeld pundit be Johnne Gordone of Cusny

XXII.

(Eo. die)

The said day the said Assiss fand and deliuerit that thai culd not acquit Andro Roust and Johnne Goddisman of the unordourly and wranguiss takin of viij hed of nolt out of the mylne landis of Campvele And for the spoliacioun of the said aucht hed of nolt out of the said landis pertenyng to Johnne of Gordone of Cusny for the quhilks ilk ane of thame was in amerciament of the Court

XXIII.

(1 October 1510)

ASSISA

Johannes Forbes de Petslego
Patricius Berclay de Garntuly
Walterus Berclay de Towy
Georgius Gordoun de Mydmar
Thomas Fraser de Stanyvod
Williamus Craufurd de Federay
Johannes Mowat de Luscragy
Patricius Steuart de Latheris
Georgius Abircromy de Petmethane
Alexander Caldour de Sonnahard
Alexander Mortymer de Cragyver
Johannes Gardin de Durlathers
Henricus Forbes de Kynnellour
Alexander Coutys de Ouchtercoul
Johannes Troup de Comolegy

The said day the Assiss befor writin all in ane woice concordand Deliuerit and fand that thai culd nocht acquyt Georg Hervy in Elryke of the wranguiss and unordourly intrometting and takin of ane part of beir with the fodir fra Johnne of Mylne out of ane croft of the Mylne of Durnocht And of ane brovne meir out of Mekle Durnocht Alsua that

thai culd not acquyt the said Johnne of Myle now duelland at the Myle of Innerramsay of the wranguiss and unordourly takin and intrometting of certan beir with the fothyr out of the said Georgs barne yard be the space of x yeris bigane And ordanis baitht the said pairtiis to tak precepts and summond thar witnes and preiffis to preif the quantite of the said cornys And that being preuit thai culd nocht acquit baitht the said pairtiis of spoliatioun

(Eo. die)

Thomas Donald and Thomas Maulvel summond lauchfully warnit callit and nocht comperit to have borne witnes in the actioun debatable betuix Johnne of Mylne and Georg Hervy ilk ane of thame in amerciament in defalt of presence

(Eo. die)

The said day Alexander Malvin Mar deput at the command of the Shref continewit this Court and al actionis dependand undecidit in the samyne to the Shref Court to be haldin within the Tolbuitht of the said burgh one Thurisday the last day of October instant in sicklik strintht force and effect as thai do now And summond al baronis landit men and frehaldars personalie to comper the said day to serve our Soueran Lord in the actionis undecidit dependand in the samyne

(31 October 1510)

The said day the Shref continewit the resauing of the witnes anent the preif of the quantite of the beir and fodir takin and intromettit be Johnne of Mylne at the myl of Innerramsay pertening to Georg Hervy one that ane pairt And likuiss the witnes summond to preif the quantite of the beir and fodir intromettit and takin be the said Georg Hervy clamyt be the said Johnne of Mylne on that uther pairt with consent of baitht the pairtiis present for the tyme to the Shref Court to be haldin within the Tolbuitht of Abirdene one Friday the penult day of Nouember nixt to cum And als the Shref ordand Alexander Malvin Mar deput to summond the said witnes to comper the said day to depone in the said mater eftir the tenour of athir of thar precepts rasit thairapone

(29 November 1510)

[All cases continued to the Head Sheriff Court on Tuesday, 7th January next]

(7 January 1510-11)

The said day Georg Gardin lauchfully summond callit and nocht comperit till have borne witnes to preve the quantite of beir intromettit be Georg Hervy pertening to Johnne of Mylne in amerciament of the Court in defalt of presence

(Eo. die)

The said day in the actioun and causs of the quantite of the beir followit and persewit be Jonhne of Myln at the Myln of Innerramsay spulzeit fra him be George Herwy duelland in Elrik and anent the quantite of the beir spulzeit be the said Jonhne fra the said George It wes sufficientlie previt that the said George sall restoir to the said Jonhne xiiij bollis of beir with the fodir spulzeit fra him And the said Johne sall restoir to the said George ix bolls of beir with the fodir spulzeit fra him for the quhilks spoliatioun Ilk ane of the said pairtys wes in ane amerciament of the Court and till amend as law will and forbeir in tyme to cum

(29 April 1511)

The said day it was deliuerit and ordanit that Georg Hervy sal content and pay to Johnne of Mylne six marks usual money of Scotland betuix this and Sanct Seruanis day nixt to cum For the quhilks the said Johnne of Mylne has remittit the said Georg of all maner of debattis actionis causis and querellis debatable betuix thame tueching the half of the Mylne and Mylne landis of Durno the apprising of certane corne the clame of ane broune meir King's letters preceptis and acts in the Court buk and all uthir and sundre causis betuix thame bigane and to cum tueching the said materis And in likuiss the said Georg has remittit and forgevin the said Johnne of all and sundre the actionis persewit be him on the said Johnne tueching the said mylne and mylne landis letters precepts and acts Quhilks personis sall stand in ayfauld unite and concord in tyme to cum and nevir to be herd ane agains utheris pleyand anent the said actionis

XXIV.

(7 January 1510-11)

The said day Thome Chapman with Master Johnne Marscheale his forspekar followit Robert Dodis in Mydmar for the spoliacioun master-full awaytakin and withhalding frae the said Thomas of ane ox out of his tak of Mydmar be the space of sex yeris bigan quhilk spoliacioun the said Robert denyit And incontinent thereftir the said actioun was put to the decisioun of ane assiss of thir personis undirwritin that is to say Alexr Irvin of Drum Georg Meldrum of Fyvy Wilzeame Fraser of Phillortht Gilbert Hay of Ardendraught Knyt Wilzeame Hay of Ury Walter Berclay of Towy Johnne Forbes of Petslego Wilzeame Turing of Fouerne Thomas Fraser of Stanyvod Wilzeame Johnstone of that ilk Alexander Cuming of Cultyr Alexander Mortymer of Cragyuer Patry Reid of Collistoun and Johnne Gardin of Lathers chosin and suorne in ane Inqueist Quhilks riplie auisit the ryghts ressonis and allegacionis of baith the said partiis herd sene considerit and understandin witnes and

preuis led Deliuerit and furthgef that thai culd not acquyt the said Robert Dodis of the spoliacioun masterfull awaytakin and withhalding of the said ox fra the said Thomas Chapman for the quhilks the said Robert was in amerciament of the Court and aucht to restor the said ox again to the said Thomas and til amend as law wil and forbeir in tyme to cum And that was geuin for dome be the mouth of Alexander Blak dempstar of the said Court for the tyme Quhilk oxe was set be the said assiss to xxiiij s

XXV.

(29 April 1511)

ASSISA

The said day Johnne Lord Forbes Alexander Irvin of Drum Knyt Georg Meldrum of Fyvie Alexander Irvin of Forglene Waltir Berclay of Towy Patry Berclay of Garntuly Johnne Mowat of Lustcragy Wilzeame Turing of Foverne Wilzeame Johnstoun of that ilk Johnne Forbes of Brux Wilzeame Hay of Ury Patrik Steuart of Lathers Robert Gordone of Fotyrletter James Chene of Straloche Thomas Craufurde sone and appering to Wilzeame Craufurd suorne in ane assiss fand decretit and deliuerit that Wilzeame Blakhall of that ilk is quyt of the wranguiss withhalding of v lib viij s usuall money of Scotland of maile clamyt be Issabell Crukschank the spous of Robert Gardin for the half landis of Littlefolayblakwattir and of the spoliacioun and distructioun of the cornis being apoun the said landis becaus the said Wilzeame schew instrumentis and documentis of the alienatioun and possessioun of the said landis maid to him be the said Robert hir spous And na document nor knawleg cum in nor schewn of his deceis

XXVI.

(3 July 1511)

The said day Georg Tailzeour lauchfully warnit callit and not comperit to persew Johnne Arthour Alexander Kintor Patry Arthour Robert Arthour and ane seruand woman of the said Alexr Kintors callit for the spoliacioun fra him of his bag belt knyf and fifty schillingis of money etc Quharfor Andro Elphinstone of Selmys forspekar of the saids personis protestit for costis skathes dampnis and expensis and be quyt of the said Georgs challang unto the tyme thai be new summond and protestit

XXVII.

(30 September 1511)

The said day it was fundin and deliuerit be the said assiss that Johnne Curry Margaret Malvin his spous had spulzeit fra Johnne Baidenagh burges of Inneroury xxiiij thraif of aits or therby out of

ane pece of land callit the Stanners liand within the burgh of Inneroury pertening to the said Johnne in assedatioun For the quhilks ilk ane of thame was in amerciament of the Court and aucht to restor the said aits agane to the said Johnne

Deforcements

Deforcement is the crime of forcibly preventing an officer of the law or his assistants from executing the legal warrant of a competent court. —*Green's Encyclopædia.* A few cases are found in the *Acta Dominorum Auditorum*, 1466-94, and in the *Acta Dominorum Concilii*, 1478-95. Previous to 1581 Deforcement was apparently dealt with under the common law; but in that year, and subsequently, it became the subject of legislative enactment

I.

(9 January 1503-4)

The said day Duncane Roy oftymes callit warnit and nocht comperit tile haue hard one deforce previt one him by Willeame Malvin mair deput in the execucioun of his office was in amerciament of the Court etc

(Eo. die)

Johnne of Cardny deponit the gret aitht suorne that he bestud heird sawe and for witnes was tane quhene Williame Malvin mair deput pundit and distrenzheit Duncan Roy for his unlawis in the extret of the last Justice Ayr of Abirdene and tuk fra hyme xvij ky and oxin and the said Duncan deforsit the said William and tuk his guds againe with the perele

II.

(Eo. die)

The said day Alexander Cowtis of Ouchtercoule oftymes callit warnit and nocht comperit tile haue sene ane deforce previt one him maid be Thomas Bisset (mair) of fee in the execucioun of his office was in amerciament of the Court sic as he aucht to tyne of law and that was gevin for dome

(Eo. die)

Williame Malvin and Willeame Bannerman deponit be thar aithts that thai bestud hard and saw and for witnes was tane quhen Thomas Bisset mar of fee pundit Alexander Cults of Ouchtercoule for certane unlawis in the last extret of the Justice Ayr of Aberdene and tuk fra him tua horss and the said Alexander deforsit the said mar and tuk his guds againe with the perele

III.

(7 January 1504-5)

The said day Dauy Farchar and Farchar Farcharsone dwelland in and William Malvin Younger deponit the gret aitht that thai bystud harde say quhar witnes was tane quhene Thomas Bisset mair of Fee pundit and distrenzet ane horss of Robert Dougudis of Auchnahuff for certane amerciaments and unlawis of the Court in the quhilks he was conuict be ane precept of the Shreff ande the saide Robert masterfully tuk the said horss fra the said mair And In likuiss quhen the saide mair pundit distrenzet and tuk ane horss for certan unlawis of the Court as said is fra Johne Ross of Auchlossin the saide Johne tuk the horss fra the said mair

(Eo. die)

The said day Robert Doguid of Auchnahuff oblist him faithfully to stand at the ordinance of Alexander Iruyn of Drum Knicht and Alexander Bannerman Shref deput of Abirdene anent the debatis of the unlawis and deforssing of the Officiar etc

(Eo. die)

The said day the Shreff continewit the dome of the deforceinge of Thomas Bisset and Williame Melvin Mars to the Shreff Court to be haldin within the Tolbuth of Abirdene the first day of Februar nixt to cum

IV.

(15 July 1505)

The said day Alexander Melvin ane of the maris deputs Thomas Leg Patry Rait and Williame Andersoun deponit the gret aitht that thai bystud herd schaw for witnes was tane quhen the said Alexander pundit and distrenzeit certan nolt for the [sic] ane unlaw of the Comissers of the burgh of Fiwe contenit in the extrect of oure soueran lords Justice Ayr of Abirdene extending to xl s quhilks guds Georg Meldrum of Petkerry masterfully tuk fra the said Alexander witht the perall of law and deponit that the said Georg was summond be the said Alexander to compeir the said day to heir the said deforcement preuit one him quhilks lauchfully callit and nocht comperit was in ane amerciament of the Court etc

V.

(21 July 1505)

The saide day Alexander Skene of that Ilk lauchfullie summond warnit callit and nocht comperit to heir ane deforcement preuit one him wes in amerciament of the Court

(Eo. die)

The said day Thomas Bisset Mair of Fee and Thome Fowler deponit the gret aithe that the said Thomas distrenzeit and pundit ane quhit horss of Alexander Skennye of that Ilk for vi merks aving to Master Henry Lindsay and the saide Alexander tuk the saide horss agane fra the saide Thomas

VI.

(21 April 1506)

Eodem die Andreas Quhitcorss amerciatur in defectu presencie quia legitime citatus fuit ad probandum deforciamentum factum super Johannem Bisset marum deputatum per Robertum Lumisdaill de Madlar

Andreas Red amerciatur in defectu presencie ut supra

Patricius Talzour amerciatur in defectu presencie ut supra

The said day Johnne Mechall deponit be his aitht that Robert Lumisdaill tuk the horss fra Johnne Bisset ane of the kings maris eftir the said Johnne Bisset hed tane the said horss fra him

Patry Elmsly deponis be his aitht that he was besid quhene Johnne Bisset pundit Johnne Mechall and tuk ane foir horss fra him and he herd say that Robert Lumisdaill tuk the said horss fra Johnne Bisset witht the perall of law etc

Andrew Stevinsoun Wester Foulis deponis be his aitht that he was besid quhene Johnne Bisset pundit Johnne Mechall and tuk fra him ane foir horss and he herd say Robert Lumisdaill tuk the said horss fra Johnne Bisset agane

The said day the Sheff continewit the dome of the deforssing of the officiar be Robert Lumisdaill of Madlar to the xij day of May nixt to cum

(12 May 1506)

The said day James Robertsone in Wester Foulis deponit be his aitht that he herd say that Robert Lumisdaill tuk ane horss fra Johnne Bisset And als he herd say that Robert Lumisdaill strak the said Johnne

Andrew Tawis deponit be his aitht he herd say Robert Lumisdaill tuk ane horss fra Johnne Bisset and herd say that the said Robert strak the said Johnne

The said day the Sheff continewit the dome of Robert Lumisdaill for the deforsing of the officiar to the nixt Court to be haldin within the Tolbuth of Abirdene the sext day of Junij nixt to cum

(6 June 1506)

Eodem die continuatur Judicium deforciamenti Johannis Bisset officiarii per Robertum Lumisdaill de Madlar facti usque ad curiam vice comitis tenendam apud Auchintoull xvj die Junij Instantis[1]

VII.

(11 July 1506)

The said day Waltir Masone ane of the Maris deputs of Abirdene preuit sufficientlie witht William Bannerman Johnne Williamsoune Johnne Ray and Thomas Ray that Alexander Skene of that Ilk deforsit the said Waltir in the pundin of him for viii punds usuale money of Scotland of his unlawis of the Shreff Courts bigane and tuk fra him certane oxin and ky for the quhilks the said Alexander was in ane amerciament of the Court for as he aucht to tyne of law and all his mouable guds eschaet to the King and his persone to ward at the will of our soueran lord and that was gevin for dome be the moutht of Alexander Joffrasone dempstar of the said Court

VIII.

(17 June 1508)

The said day it was sufficientlie preuit that Patry Dauisone in had deforsit Alexander Malvin Mair deput in the execucioun of his office For the quhilks he was in amerciament of the Court sic as he aucht to tyne of law and all his movabill gudis eschet to the King and his persone to be in ward at the King's will And that was gevin for dome be the moutht of Johnne Scrogy Dempstar of the said Court for the tyme

IX.

(3 October 1508)

The said day Johne Broyss was summond to comper in the Shef Court to be haldin the last day of this instant monetht of October tile ansuer for the deforsing of the Kings Mar

X.

(17 February 1508-9)

The said day Thomas Crag in Ellone deponit be aitht that he bistud hard and saw and for witnes was tane quhen Alexander Malvin mair deput passit and pundit Williame Hayrman in Thanstoun for tua merks of maile and vj pundis of unlawis quhilk mair distressit and pundit for the samyn and tuk ane gray hors and ane brovne hors pertening to the said William quhilk he tuk fra the said mair agane and deforsit

1 No farther trace of this case has been found.

XI.

(2 June 1509)

The said day It was sufficientlie previt that Johnne Mortimer in Hardbalhinty had deforsit Thomas Walcar officiar tile Alexander Mortimer of Cragyuer in the poundit [sic] for the said Alexris Mortimers maile gangand befor the dait herof and had takin fra him thre hed of ky quhilks he tuk for the said male For the quhilks deforssment the said Johnne was in amerciament of the Court and tile amend as law will and to forber in tyme to cum and that was gevin for dome

XII.

(2 October 1509)

The said day It vas sufficiently prewit that Dauid Cowts Johnne Duncansone ande Androw Smyth seruitours ande familiars tile Alexander Cowts of Ouchtercoule haid deforsit Henry Malvine mair deput in the execucioun of his office in punding ande distressing for tene punds awing tile our souerane lord be the said Alexander Cowts for his infeftment of the half lands of Ouchterarne Quhilk personis haid masterfullie takin fra the said mair xxii heid of nolt and deforsit him For the quhilks Ilk ane of thame vas in ane amerciament of the Court and thair gudis to be approprat to the Kings heines And thair personis to be in ward at the Kings wile And that was givin for dome be the mouth of Meldrum dempstar for the tyme And the said previs deponit that it vas schawin to thame that the said Alexander vas within his place in the tyme of the said deforsing

XIII.

(22 November 1509)

The said [day] It was sufficiently preuit be the deposicioun of Henry Malvin and Wilzeame Duncan suorne the gret bodely aitht that Wilzeame Gordone of Scheves had deforsit Alexander Malvin Mar deput in the execucioun of his office in puindin and distrenzeing of him for the sovme of xxxviij pundis xiij s and iiij d aucht tile our souerane lord as he that was ane of the souerteis for the composicioun and remissioun of Johnne Chene broder german to James Chene of Straloche Quhilk Wilzeame had masterfully takin fra the said Mar xx hed of nolt and turnit thame and tuk thame fra the said Alexander Malvin in the name of all and sundre the remanent of his gudes For the quhilks he was in amerciament of the Court and ale his guds approprit to the Kingis use and his persone in Ward at the Kings will And that was gevin for dome be the moutht of Wilzeam Meldrum Dempstar of the said Court for the tyme

Aberdeenshire Sheriff Court:

Lawburrows

When a person had, by reason of the threatening words or conduct of another, cause for dreading violence to himself, his family, servants or dependants, he was entitled to resort to the Court for protection. On his making oath that he was in fear of violence and that he had reasonable cause for his belief, the other party was made to find security that his accuser should be kept harmless at his hands, or in more modern phrase he was bound over to keep the peace towards the complainer. Although a very ancient form of process and almost obsolete in practice, the writer can recall an instance or instances of its being resorted to in this same Court in the latter half of the 19th Century.

I.

(31 October 1503)

The said day Alexander Mortimer of Cragiuer come law borrowis that the Alderman Balzeis Counsale and Communitie of Abirden and thar tennents of the Tulloch sal be skaithles aleway of William Urry of Petfechy bot as the courss of commoun law will the said Williame oblist him to releive the said Alexander of the said souerty be his hand land and guds

II.

(Eo. die)

The said day Johne of Keitht come law borrow for Johne Nory and Sande Wilsoun in the Weltoun that the Alderman Balzeis Counsale and Communitie of Abirdene and thar tennents sal be skaithles of thame alewais bot as the courss of commoun law wile under the panys contenyt in our souerane lords letters and to enter the thrid day of the ayr nixt of Aberdene under the panis contenit in the samyne

III.

(Eo. die)

The said day Robert Dauysoun come souerty and law borowis for him and Andrew Dauysoun his soun that the toune of Aberdene and thar tennents sal be skaithles of thame etc bot as the courss of commoun law will and to enter the thrid day of the Justice ayr of Aberdene to underly the law as said is etc

IV.

(Eo. die)

The said day Walter Philpe come souerty for himself be his hand lands and guds that the toune of Aberdene sal be skathles and thar tennents etc And to enter the thrid day of the ayr as said is etc

V.

(Eo. die)

The said day Alexander Skene of that Ilk come law borrowis for James Smythe and to enter him the thrid day of the Ayr as said is etc

VI.

(1 June 1504)

The said day Jhonne Pantone of Petmethane lauchfully callit ande nocht comperit thar to fynde law borrowis that the lady of Tochoun and hir seruands may be harmeless and skaithless of the saide Jhonne and his complices in tyme to cum

(This entry apparently unfinished.)

VII.

(21 April 1506)

Eodem die Dominus de Forbes deuenit plegius legalis per manus sue dextere ostensionem quod Thomas Alexandersoune erit indempnes pro Roberto Lummisdaill de Madlar aliter quam per viam juris sub pena centum librarum Et dictus Robertus obligauit se per manus bona et terras ad conservandum dictum Dominum de Forbes indempnem de dicta fideiussione

VIII.

(13 April 1507)

The said day Sir Gilbert Hay of Ardendrauch Knicht fand Sir Alexander Keitht Knicht lawborrowis and souerte that Mastir Johnne Merscheall sal be harmless and skaithless of him and ale that he may lat alewais bot as the courss of comone law will

IX.

(15 April 1507)

Eodem die Alexander Couts de Ouchtircoull inuenit Alexandrum Gordoune de Kennerty plegium legalem quod Johannes Ouchtirarne erit indempnes pro dicto Alexandro Couts aliter quam per viam juris Et dictus Alexander Couts obligauit se per manus sue dextere ostensionem quod dictus Alexander Gordone erit indempnes pro suo fideiussore *(sic)*

X.

(Eo. die)

Eodem die Alexander Skene de eodem plegius legalis pro Johanne Skene quod Johannes Ouchtirarne erit indempnes pro dicto Johanne Skene aliter quam per viam juris Et dictus Johannes obligauit se quod dictus Alexander erit indempnes de suo fideiussore per manus sue dextere ostensionem

XI.

(29 July 1507)

The said day Johnne Chene come souerte and lawborrowis be his hand lands and guds for Henry Chene that Master Johnne Merscheall sal be harmles and skaithtles of him ale wayis bot as law will efter the tenour of our soueran lords letters direct tharupoun In (*sic*) this lawborrowis induring the will of the Shef

XII.

(Eo. die)

The said day Henry Chene come souerte and lawborrowis be his hand lands and guds for Johnne Chene that Master Johnne Merscheall sal be harmles and skaithtles of him ale wais bot as law will efter the tenour of Our Soueran lords letters And this law borrowis induring the will of the Shef

XIII.

(5 October 1507)

The said day Georg Meldrum of Fiwy come souerte and lawborrowis for Johne Robertsone be his hand lands and guds that Waltir Cumin sal be harmeles and skaithtles of him ale wais bot as law will and the said Johnne oblist him to fretht the said Georg of the said borrowgang and keip him skaithtles thairof

XIV.

(Eo. die)

The said day Williame Berclay come souerte and lawborrowis for Waltir Cumin that Johne Robertsone sal be harmeles and skaithtles of him ale wais bot as law will in maner and forme as said is as is before exprymit

XV.

(27 February 1507-8)

Penultimo die Mensis Februarii anno millesimo quingentesimo septimo Thomas Leitht deuenit plegius legalis per manus dextere ostensionem quod Willelmus Makysone Molendinarius apud Justice Mills erit indempnis pro Willelmo Rawok aliter quam per viam juris et dictus Willelmus deuenit plegius legalis per manus sue ostensionem quod dictus Willelmus Makysone erit indempnis pro Dauid Eduard et Alexandro Duncan aliter quam per viam juris coram hiis testibus Andrea Cullane Alexandro Gray Magistro Dauid Nicholsone Willelmo Watson et domino Dauid Leys

XVI.

(23 May 1508)

Alexander Coutis de Ouchtircoull citatus non comperuit ideo amerciatur in defectu presencie ad inueniendum plegium legalem quod vicarius de Coule erit indempnes pro eo aliter quam per viam juris

XVII.

(Eo. die)

Thomas Cowtis in Kincragy amerciatur in defectu presencie citatus ut supra ad inueniendum plegium legalem quod ipse vicarius de Coull erit indempnes pro eo aliter quam per viam juris

XVIII.

(17 June 1508)

Eodem die Alexander Cowtis de Ouchtercoull inuenit Alexandrum Irwyne de Drum militem plegius legalis (*sic*) quod Dominus Thomas Harrowar Vicarius de Coull erit indempnes pro eo aliter quam per viam juris sub pena centum librarum Et dictus Alexander Cowtis obligauit se per manus sue dextre ostensionem ad conseruandum dictum militem indempnem de fideiussione

XIX.

(5 July 1508)

The said day Thomas Leslie come laweborrowis be his hand uphaldin that Alexander Malvin Williame Michell Arthour Forbes and thar seruands salbe unskaiththit of Johnne Broyss uthir wais thane the courss of commone law . Ande Thomas Strachin sone ande appering ayr tile Alexander Strachachin of Lathinturk come lawborrouys be his hand uphaldin that the said Johnne Broyss salbe unskaiththit of the said Alexander Williame Arthour and thar seruands uthir wais thane the courss of commone law And ilk ane of the said pairtiis sale fre thar borrowis

XX

(9 January 1508-9)

Eodem die Alexander Meldrum deuenit plegius legalis quod Joneta Thomson erit indempnes pro Johanne Robertsone aliter quam per viam Juris

XXI.

(17 February 1508-9)

The said day James Gareauche of Kinstar come souerte to the Shreff be his hand uphaldin for Wilzeame Blakhall of that Ilk that Robert Tulymorgone alias Cruikschank his partie seruands barins and familiars salbe harmles and skaithles of the said William al wais bot as the courss of common law requires

XXII.

(2 June 1509)

Eodem die Alexander Forbes filius et heres apparens domini de Auchintoule inuenit Patricium Steuart de Lathers plegium legalem per manus sue dextere ostensionem quod Dauid Mastone erit indempnes pro eo aliter quam per viam juris Et dictus Alexander obligatur ad conseruandum dictum suum plegium indempnem de fideiussione

XXIII.

(2 October 1509)

The said day Alexander Malvine Mair deput at the command ande charge of the Shref summound George Gordoun in Auchneif and Alexander Forbes in Echtse be his wand of office to compeir befor the Shref of Abirdene or his deputis ane or may in the Shref Cowrt of Abirdene to be haldin within the Tolbuth of the burgh of Abirdene one Setterday the xxvij day of October instant in the hour of causs Thair to heir and se thame be adiugit and decernit in the sovme of I^{c} merks as thai that com sourte and lawe borrowis for Dauid Lyoun that Ranald Oudny his men kyne frends familiars and seruitours sulde be harmles and skaithles of him and ale that he micht lat uthir wais than be courss of common law undir the pane of I^{c} merks as ane autentik act maid obefor proports And to heir and se the saide brekin of lawborrowis provin one Huchon Andirsone seruand to the said Ranald quhilk vas hurt be the said Dauid And als the Shref ordanit precepts to be direct to summound the said Dauid Lyoun for the said blud drawing and breking of lawborrowis And the said Huchon to follow the said bluddrawing and hurting of him

XXIV.

(29 November 1510)

The said day Johnne Forbes of Echt come law souerte be his hand landis and gudis that Androu Smythe now duelland in Ald Abirdene suld be harmeles and skathles of Alexander Cowtis of Ouchtercoule and al that he may let al wais bot as the courss of commone lawe And the said Alexander oblist him be his hand landis and gudis to freitht his said pleg of.the said borrowgang

XXV.

(7 January 1510-11)

Eodem die Alexander Gordone de Kennerty deuenit plegius legalis quod Thomas Chapman erit indempnes pro Georgio Gordone de Abirzeldy aliter quam per viam juris sub pena quadraginta librarum Et dictus Georgius Gordone deuenit plegius legalis quod dictus Thomas Chapman erit indempnes pro Jacobo Gordone
et Roberto Dodis aliter quam per viam juris sub pena xl librarum

XXVI.

(29 April 1511)

Eodem die Alexander Iruyn de Drum miles deuenit plegius legalis quod Willmus Watsone erit indempnes pro Henrico Setoun aliter quam per viam juris Et Patricius Gordone de Johnesleis deuenit plegius legalis quod dictus Willmus erit indempnes pro Roberto Setoune aliter quam per viam juris

XXVII.

(19 May 1511)

Eodem die Ranaldus Oudny de Eodem deuenit plegius legalis quod Patricius Diky erit indempnes pro Henrico Forbes de Kynnellar aliter quam per viam juris sub pena centum librarum Et idem Henricus Forbes deuenit plegius legalis quod prefatus Patricius erit indempnes pro Willmo Forbes fratre suo aliter quam per viam juris sub pena centum mercarum

Violent Occupation of Land and Violent Profits

The occupying of land without a lawful title or the remaining in occupation after the expiration of the time for which a title was held, or after the occupant had been lawfully warned to remove, was called violent occupation. The violent profits, or violence, as it was frequently termed, was the amount of damage which the owner had suffered in consequence of his having been deprived of the possession and use of his land. The mode of estimating this loss will appear from one or more of the examples given.

I.

(3 October 1503)

(John Gordon of Lungar v. Robert Calder of Asswanley and William Taylor)

The said day the assiss befor writin deliuerit and ordanit be the mouth of William Frasser of Phillortht Knt the forspekar of the said assiss that the lard of Auchsuanly Myldune and William Talzour did wrang in the lauboring and manuring of the lands contenit in the precept rasit be Johne Gordon of Lungar and alsua decretit that the said lard of Auchsuanly and personis sale content and pay to the said Johne of Gordone the somes contenit in the depositiones And becaus it was nocht sufficientlie preuit how mony yers in speciale the forsaid lard of Auchsuanly Milduny and William Talzour lauborit and intromettit with the said ground tharfor the assiss ordanit the said Johne of Gordon to summond witnes gif he pless to preuive be quhat space the said personis withheld the said lands fra him

(Then follow the depositions)

The said day Donald Warlaw deponit be his aithe that the thrid of the tua plevis of the Ester Park and Meiklehauche wald saw in the yer tua chalder of ats vi b & D[1] estimat the grovin to the thrid querne (corn) Item thai wald saw fiwe b & D of beir estimat to the ferd querne grovin price b ats with the fodder iij s iiij d price of the boll beir with the fodder vj s viij d Item the said thrid of the tua places wile beir xl nolt price of the pece grissin xij d iiij[xx] Scheip price of the grissin tharof xiij s iiij d viij horss price pece ij s

Robert Schevane concords with the said depositione of Donald Warlaw

William Crukschank affirms the samyn

Johe Crukschank affirms the samyn

Dauy Clerk affirms the samyn

(4 October 1503)

(Depositions continued)

Donald Warlaw deponit be his aithe that the thride of the Unnertone of Auchsuanly with the thrid of Carnargat was als gud in al profits and in siklik price yerlie be the space of thre yers as the thrid of tua plevis and the Meklehauche and alsua deponit that Robert Caldour held courts and tuk unlawis of Mylduny and William Talzour inhabitats the said thrid and tuk carages and uther deviteis of thame

Robert Schewane affirms the said Donalds depositioun

William Crukschank affirms the samyn

Johne Crukschank affirms the samyn

Findelaw Makmolikyn affirms the samyn

Dauid Clerk affirms the samyn

Patry Ballaw affirms the samyn

William Malcumsoun affirms the samyn

The said Patry William and Findelaw deponit be thar aiths that the said Robert Caldour tuk fra the said Milduny and William Talzour thar arrages and carages and ale uther deuyteis pertening to the said thride and usit thame as his avin tennents

The saids Donald Warlaw Robert Schewane and Patry Ballauche deponit be thar aiths that thai wer befor quhen the compromiss was maid betuix the said Johne Gordon and Robert Caldour of Auchsuanly and remembers on the panys contenit in it that is to say xl lib to the King xl lib to the Bischop of Murray and xl lib to the said Johne Gordon for costs and expenss

Dns Da[d] Leis clericus
deputatus ad receptionem dictorum testium

Findelaw Makmuligune affirms that ilk place will gif the thrid querne of ats and the ferd querne of beir he grants to have assidacioun

1 This letter stands for dimidium, meaning here half-a-boll.

of Johne Gordon the price of the boll ats xx d the price of the boll beir v s the pastour of the pece of nolt vi d and he hed tak of Johne of Gordon

Donald Warlaw affirmit the price of the boll ats xl d and the boll beir vi s viij d and that in ilke place thar wil be savin tua chalder v b & j f the pastour of the best summer and winter xij d the grissin of the pece of the horss ij s the price of the pece of scheip vi d

Robt Schewan affirmit the deposicioun of Donald Warlaw

Will Crukschank affirmit the samyn

Joh Crukschank affirmit the samyn

Dauy Clerk affirmit the samyn

Patry Ballaucht concordat in ale pents and he grants to have tak of Johne of Gordon And to the bigin price thai culd nocht estimat that unto the tyme thai se it and priss it

Joh Herdman Notarius publicus et clericus deputatus ad hoc

(31 October 1503)

The said day Robert Caldour of Auchsuanly lauchfully callit warnit and nocht comperit to her witnes suorne betuix him and Johne of Gordoun of Lungar Muldevny and Williame Talzour to depone eftir the tenor of the precepts directit tharupoun for the quhilk he was in amerciament of the Court

(9 January 1503-4)

The said day the said assiss suorne to the prising of Patk Gordonis lands deliuers that the lard of Auchsuanly Muldovny and Willeame Tailzeour did wrang in the lawboring and manuring of the landis contenit in the precept Ande als decrets that the said lard and the said personis sale content and pay to Johnne of Gordone the somes that is contenit in the deposicionis And becaus it was nocht sufficiently previt how mony yers in speciale the said lard and personis forsaid lauborit and intromettit wyth the said ground tharfor the assiss ordanis the said Johnne to summonde witnes gif he pless to preif be quhat space the saids personis withheld the said lands fra hyme

II.

(21 April 1506)

The said day the Shref assignit the Shreff Court to be haldin withtin the tolbutht of Abirdene one Tuisday the xii day of May nixt to cum in the hour of causs tile Elene Couts the relict of Umquhill Johnne Reid in Westoun to call her warand quhilk scho allegiit to warand to hir the said assedacioun and tak of the tua partis of Wastoun in Cromar as day of peremptour And ordanis hir to raiss ane precept and summond hir said warand to the said day And failzeing that the said Elene brings nocht hir said warand that scho sale ansueir to Johnne Crichtounis

precept and poynts contenit in it as day of peremptour And sale refund and pay ale costis and expenss that the said Johnne happinis to sustene in defalt of the nonentress of him in his tak and making of the said toune of Westoun

(12 May 1506)

ASSISA

The said day George Meldrum of Petkerry Thomas Frasar of Stanewod Alexander Skene of that Ilk Androue Tulideff of that Ilk Williame Turing of Fouern Johnne Forbes of Echt Williame Craufurd of Federay Johnne Gardin of Durlathers Alexander Mortimer of Cragiuer Johnne Ross of Auchlossin Robert Lummisden of Madlar George Lesly of that Ilk Alexander Johnnestoun of that Ilk Robert Burnat of Balmad Williame King of Bourty Ranald Oudny sone and appearand ayr to Williame Oudny of that Ilk Williame Blakhall of Barrauch of Bourty and Johnne Dunbrek of that Ilk[1] chosin and suorne in ane Assiss and Inquest Deliuerit fand and furthgeff that Aly Couts dois wrang in the occupeing and inhabiting of the bigings in the Westoun of Cromar of the quhilks Sir Johnne Forman Knicht tuk stait and possessioun

(Eo. die)

The said day the Assiss deliuerit fand and furthtgef that Williame of Gordoun sone to umquhile Sir Alexander Gordone of Mydmar Knicht sale warand and defend to Aly Couts the relict of umquhile Johnne Reid the Wast half of the Westoun of Cromar and the bigings pertenyng tharto witht the pertinence eftir the tenour and forme of his assedacioun and band maid tharapoun to the saides Aly and hir said Spouse as assignay to his fadir

(Eo. die)

The said day Williame Gordone sone to Sir Alexander Gordone of Mydmar Knicht warnit Elene Couts and Ego Makcanze hir Spouss to devid (*sic*) and reid the tak of the Westhalf of Westirtoune of Cromar quhilks scho has now in assedacioun agane this Witsonday terme becaus the said Williame allegiit scho hed forfaltit his taks for certane resonis and causs quhilks the said Williame has to schaw and propone agains the said Elene

(6 October 1506)

The said day the Shreff assignit in the nixt Shreff Court to be haldin withtin the tolbutht of the burgh of Abirdene the xxvij day of October instant to Elene Couts to preiw that Williame Gordone bailze tile our

1 It will be noticed that the Jury here numbered 18.

Soueran Lordis lands of Cromar levit[1] Ego Makcanzeoch to mary with the said Elene scho bruikand hir tak as scho did obefor

(27 October 1506)

The said day the Shef continewit the actioun debatable and dependand in the law betuix Elene Couts and Williame Gordoun to the lave day eftir Yuill and summond baitht the said partiis to compeir the said day for ministracioun of Justice equaly to be done to thame

(No other entry found.)

III.

(28 June 1507)

The said day George Hay follouit and persewit Alexander Pantone for the wranguiss occupacioun and manuring of his tak of the half lands of Tulymade sene the terme of Witsonday immediate gangand befor the date of this Court quhilks the said Alexander denyit allegeand he had ane yers tak of the saide half lands yet to ryne fra the said terme Ande thareftir witht consent and assent of baitht the saide partiis the said actioun was put to the decisioun of thir personis chosin and suorne in ane assiss that is to say Alexander Skene of that Ilk Alexander Cumyn of Cultir Alexander Annande of Ouchterellonne Henry Forbes of Kynnellour Johne Dalgarno of Dalgarnoy Fintray Johne Forbes of Tuligovny Johne Dunbrek of that Ilk Alexander Tullauche of Moncoffir Robert Burnat of Balmad Williame Blakhale of the Barroche of Bourty and Alexander Leslie Quhilks riplie auisit the witnes preuis allegationis and writ of batht the said partiis herde seyne and understandin deliuerit and fand the said Alexander Pantonis assadatioun ande tak of the said half lands of Tulymade complet and runnyn at the fest of Witsonday last ande immediate bigane And that the said Alexander has falzeit in his preiwe of the said tak as day assignit to him ande aw to devoyd and red the said tak to the said George

IV.

(29 October 1507)

The said day Johnne Cuk follouit Umfray Donaldsone and Johne Symmer for the wranguiss and mastirfull occupatioun and laboring of his tak of thre oxin gang of the landis of Weltone[2] and of the profit of the samyne eftir the tenour of his precept producit in the court the said Umfray with Master Johnne Lindesay his forspekar allegiit to Johnne Keitht to warrand the said tak and requirit the said Johnne present in the court to warrand the said tak quhilks allegiit his awidents and rychts

1 Allowed or permitted.

2 A farm on Stoneywood, in Newhills.

was nocht present and askit ane lauchfull day to bring the samyne and assignit to the said Umfra Johnne Symmer and Johnne Keitht thar warrand to compeir befor the Shef of Abirdene or his deputs ane or may in the Shef Court of Abirdene to be haldin within the tolbutht of the samyne one Monnonday the penult day of Nouember Instant and to bring with thame siclik richts and euidents as thai haue and will use in the premiss[s] and summond and warnit baitht the partys and warrand to compeir the said day with intimation quhether thai compeir or nocht he wald proced and minister justice in sa far as may be of lawe etc

(29 November 1507)

The said day the actioun debatabile betuix Johnne [Cuk] one that ane part Umfray Donaldsone Johnne Symmer one that uthir part And Johne Keitht thar warand anent the tak of thre oxin gang of the landis of Weltoun and the proffits of the samyne etc. is continewit to the law day nixt eftir the fest of the Natiuite of our Lord with consent of party in siclik strentht force and effect as it dois now under houp of concord[1]

V.

(3 October 1508)

The said day the saide assiss fande ande deliuerit that Johnne Forbes of Petslego had done wrang in the occupacioun laboring and manuring of the thrid part of the lands of the Manys of Petslego with the pertinence foulouit ande persewit be Thomas Hay procuratour for ane nobile ande michtie Lord Williame Erle of Errole Lord Hay etc of this yeir inmediat bigane and ordanit him to decist and cess fray the occupacioun laboring ande manuring of the samyn in tyme to cum ande rede ande devoid the said thrid part of the lands incontinent to the saide Lorde that it may be peciablie josit ande breukit be the said Lorde his assignas or subtennents in tyme to cum for ale the dais of Isabele Wemis lyve tyme Lady of the terce of the said lands eftir the tenour of the gift and assignatioun maid be hir to the said Lord tharapone

Depositiones testium

Johne Quhet in Abirdour deponit be his aitht that Johne Forbes of Petslego has occupeit the thrid part of the lands of Petslego pertening to Isabele Wemis be resoun of terce be the space of ane yeir with the mair ande the said thrid parts of lands is xl bollis of ats savin and x bollis of beir savin in the yeir tua bollis of quhet 1 boll of pess savin estimat to the thrid querne the pastoring of the said terce extends to xx hed of oxin ande ky the pastour of fyve scoir of scheip the pastour of tua horss the pastoring of ilk ane scheip a penny ilk ane best and horss iiij d

1 This hope was apparently realised for there is no appearance of the case after Christmas.

Williame Frasser deponit be his aitht concords with the said Johnne Quhets Deposicioun ilk scheip ane penny ilk best iiij d ilk ane horss xij d

Dauid Forbes deponit be his aitht that Johne Forbes of Petslego has occupeit and breukit the said thrid part of the lands of Petslego four yeirs bigane And the said thrid part is xl bollis of ats savin in the yeir x bollis of beir savin in the yeir tua bollis of quhet in the haile toune as for the pess he knawis nocht And it is pastour to ane hundreth scheip and pastour to xx hed of oxin and ky

VI.

(3 October 1508)

The said day the assiss befor writin fande and deliuerit that Johnne Quhit Johnne Barrok Lowe Stevin Johnne Touchis and Williame Touchis has done wrang in the occupacioun laboring and manuring of the lands of Auchmaledy sene the fest of Witsonday in the yeir of God j^{m}v^{c} ande sevin yhers ande aucht to decist ande cess fra ale occupacioun of the samyne and aucht to rede ande devuid the said tak to Alexr Wentoun of Andait furthtwitht but delay ande deliuerit the said tak to the said Alexr for ale the termes of fyve yers eftir the tenour of ane assedacioun producit befor the saide Assiss

VII.

(9 January 1508-9)

The said day Mastir Johnne Merscheale and Dauid Murray procuratour for Androw Murray folovit ande persewit Williame Rauok in Ruthiristoun for the masterfull and wranguiss occupacioun of the schedowe half Landis of Ruthiristoun Ande the fisching of the samyne etc. As is in ane precept direct tharapoun mar fullelie is (*sic*) contenit Ande the said Williame allegit Mastir Gilbert Leitht his warand Ande askit the Shef ane lauchfull day to be askit to him to bring his said warand to defend him in the premiss^{s} And the Shreff with the adviss of the Court with consent and assent of baitht the said partiis assignit the lawe day eftir Pasche nixt hereftir foloving to the said William to bring his said warand ande sic richts resonis as he has ande wile uyse anent the said tak ande for tile ansuer to taxt male set be the said Androw ande for costs skaiths et expenss maid and sustenit be the said Androw and his procuratour Ande forthir in ale things that he has to say tile him in the premiss^{s} peremptourlie To the quhilks the said Williame oblist him be his hand uphaldin' but fraud or gill

(17 April 1509)

The said day Dauid Murray procuratour for his fadir and Wilzeame Rauok for himself chesit Johnne Lesly of Warders and Master Alexander Lausone for the said Androw Murray and Gilbert Mengzeis and

Johnne of Mar for the said Wilzeame Rawok to convene and gathir within the tolbutht of Aberdene betuix this and Witsonday to commond anent the occupacioun of the landis and fischeing of Ruthrystoun And gif thai can nocht aggre the said partyis ilk ane to have thar priuileg of law agains uthers

VIII.

(2 June 1509)

The said day the Shreff ordanit precepts to be direct to summond certane famous personis to be chosin be him with consent and assent of Georg Gordone of Mydmar and Beatrix Hay his modir to be suorne to devyd and part the landis of the sonny and schaddow sidis of Mydmar debatable betuix Thomas Patirsone and Robert Doddis quhilks personis sal be of the four quarters about the said landis of Mydmar[1]

(2 October 1509)

The said day it vas deliuerit be the said Assiss that Robert Doddis in Mydmar haid done vrang in the occupacioun manuring ande laboring of ane part of the landis of the sonny thrid of Mydmar pertenand to Thomas Patersone in assedacioun extending to four bollis ats sawing to gud estimacioun And for the spolacioun masterfule away taking ande withhalding of the ats with the foddir that grew apone the saids landis of this instant crop inmediat bygane For the quhilks the said Robert vas in ane amerciament of the cowrt And aw to restoir the said corne to the said Thomas And desist from the occupacioun of the said land in tyme to cum And that vas gevin for dome be the mouth of Wilzeame Meldrum dempstar of the said cowrt for the tyme

Apprisings

When a creditor failed to obtain payment of his debt, he was bound to exhaust the debtor's moveable estate before he could take proceedings to affect his landed estate. At a later period this was effected by the process of Adjudication, but in the 16th century the method was still by way of Apprising. A description of this process will be found in *Erskine's Institutes*, under the head of "Apprisings." The statutes bearing on the subject were Alex. II. c. 24; 2 Rob. I. c. 24; and James II. (1469, c. 36). One or two of the examples following present fairly complete pictures of the method of procedure in the county of Aberdeen in the early part of the 16th century.

1 Obviously meaning that the Jury to be convened were to be persons conversant with the facts and not one-sided.

(3 October 1503)

The Prising of Tua marks wortht of the Lands of Muircroft

The said day the Assiss befor writin at command & charg of the Shreff Deput be wertew of our Souerane lords letters in defalt of mouabile guds prisit tua marks wortht of the lands of Muircroft witht the pertinence pertenyng tile Thomas Sanquhar of Muircroft in heritag to the pament of xxix marks aucht to my Lord Abirdene[1] for his secund teynde of the said lands

(9 January 1503-4)

The Prising of Patk Gordonis Lands

The said day Williame Fraser of Phillortht Knyt George Meldrum feodar of Fyvy James Chene of Straloche Johne Gordone of Lunger Robert Gordone of Uthaw Johnne Gardyne of Lathers Alexander Johnstone of that ilk Robert Dogud of Auchnahuff Henry Forbes of Kynnellour Johnne Mowat of Lostcragy Williame Craufurd of Federay Johnne Ross of Auchlossin Androw Buchan of Auchmacoy Alexander Skene of that ilk and Willeame Blakhale of that ilk suorne in ane assiss at command and charg of the said Shreff deput be vertew of our souerane lordis letters under the Signet and of deliuerance of the lordis of Counsaile direct to him tharapone prisit the landis of Auld Johnsleis pertenyng to Patk Gordone in heritag to tene punds lands in defalt of his movible gudes To the pament of ane part of the somes of money optenyt one him be the saids letters be Duncane Forbes in Skene and Christiane Messer his spous

(Eo. die)

The Prising of Alex Chameris Lands

The said day the said assiss at commande ande charg of the said Shreff deput be the vertew of the extret of our Souerane lords Justice Ayr last haldin in Abirdene prisit tene punds wortht land of the Quyltis in Cromar pertenyng tile Alexander Chamer of Quylts in heritage for j^{c} lib contenit in the said extret auing tile our Souerane lorde

(11 January 1503-4)

The Prising of the Lard Tulideffis Lands

The said day Johnne Movat of Lostcragy Willeame Turing of Foverne Johnne Ross of Auchlossin Robert Dogud of Auchnahuf Henry Forbes of Kynnellour Patrik Red of Collistone Alexander Caldour of Sonnaherd Wilmus Craufurd de Federay Andreas Buchane de Auchmacoy Thomas Craufurd filius et heres apparens dicti domini de Federay Thomas Burnat de Gask Ingrames Gardin de Blakfurd and Johnne

1 The Bishop, at this time, William Elphinstone.

Dunbrek of that Ilke suorne in ane assiss at command and charg of the Shreff deput be wertew of our Souerane lordis letters under the Signet and deliuerance of the lords of Counsele direct to the said Shreff deput prisit thir lands eftir folloving pertenyng tile Androw Tulydeff of that ilk to the frething and releving of Alexander Chamer of Quyltis of the Sowme of Ane hundretht pundis contenit in the extret of oure Souerane lordis last Justice Ayr of Aberdene in defalt of his movable guds That is to say four marks and xxxij d wortht of the lands of Litle Worthile the tua part of the landis of Litile Worthile witht thar pertinence Tua marks wortht of his lands of Rothemais witht the pertinence Item tua marks wortht of his lands of the thrid part of Lethintushe witht thar pertinence four marks wortht of his lands of Mosfeld witht the pertinence And tene shillings aucht pennys wortht of his lands and Manys of Orchartone

(14 May 1504)

The Prising of my Lord of Huntlies Lands

The saide day the Assiss forwritin at commande of the Shef be verteue of our Souerane Lords letters In defalt of movabile guds prisit sex marks wortht of the lands of the Smithtetoune of Notht of the Schaudow half of the samyne pertening tile ane Richt nobile and michty lorde Alexr Erle of Huntlie Lord Gordone and Badenagh liand in his Barony of Huntlie within the said Shefdome of the tua parts of the saide lands for the pament of fyfty lib aving tile ane Nobile and Michty lady Elizabeth Covntass of Huntlie his modir Ande be oppin proclamacioun offrit the said lands to the saide lorde or ony utheris that walde by thame and becauss nay personis walde by thame nor yet the saide lorde walde nocht redeme thame the Shef deput [word illegible] thame to the said lady for pament of the said some eftir the Acts of Parliament

(1 October 1504)

Prising of the Lard of Stanywods Lands

The saide day the saide Assiss befor writin at command of the Shreff prisit thir landes under writin pertenyng to Androw Fraser of Stanywod That is to say the landes of the Manes of Mukhole for twenty merks the lands of Auchchat for xij merks the landes of Nethir Corsky x marks the landes of Watertoun and the Myln xij merks and the tua parts of the Manys of Kynmondy xxj merks in the yeir to be apprisit tile our Soueran lord in defalt of pament of the some of fiw hundretht punds aucht tile his hienes for composicioun and new infeftment of the lands of Stanywod and Mukhole witht thar pertinence

(15 July 1505)

Prysing of James Harmannis Lands

The said day George Leitht of Barnis Johnne Movat of Lostcragy

Alexander Caldour of Sonnahard Alexander Gordone of Kennerty Alexander Cumyn of Cultir Henry Forbes of Kynnellour Alexander Tullauch of Moncoffer Johnne Ross of Auchlossin Johnne Dawgarno of Dawgarno Fintray Robert Burnat of Balmad Alexander Coupland of Uthaucht Alexander Crag sone and appering ayr to Alexander Crag of Cragi-Fintray at command and charg of the said Shref deput be the gret aitht suorne prisit the auchtane parts of the lands of Thanstoun pertenyng to umquhile James Harman for four punds for tua amerciaments and unlais in the extrets of the tua last Justice Ayrs of Abirdene awing tile our soueran lord Quhilks lands extends to tua marks in the yeir payand yerlie out of the samyne to Williame Chamer of Balnacrag ane annuell rent of twenty fiw schillings haldin of (? by) the said James and his ayrs and confirmit be the King Quhilks lands is now in our Soueran lords hands for non entress of the rychtuiss ayr And now to remane witht his hienes or his assignais quhile the said some be pait eftir the tenour and forme of the Act of the Parliament

(13 January 1505-6)

The Prising of the Lard of Andaits Lands to Malcum Drummond of Megour

The said day the Assiss before writin at command of the Shreff eftir the tenour of Our Souerane lordis letters direct tharapone in defalt of movabile gudis apprisit v marks wortht of the landis of Andait pertening tile Alexander Wentone of Andait for the sovme of J^{c} marks awing to Malcum Drummond of Megour qlks landis ar haldin of oure Souerane lord in Ward and Releif

(5 October 1507)

The Prising of the lard of Ardendrauchts landis

The said day the Assiss befor writin at command of the Shef be wertew of our Soueran lords letters prisit the ferd part of the lands of Auchinschogill occupeit be Thomas Auchlek pertenyng to Sir Gilbert Hay of Ardendraucht Knicht in heritag extending to fiwe punds wortht of land for ane hundretht punds awing to Williame Hay of Ury for the marriag of his sone

(21 October 1507)

The said day the Sheff sett ane Court to be haldin at Wardrs one Wednisday sanct mertimes Evin the x day of November nixt to cum and summond the procuratours of Johnne Lesly of Wardrs that is to say Thomas Lesly one that ane part and Androu Arbuthnot procuratour tile Patry Berclay of Grantuly one that uthir part to compeir at the said Court to heir and see the said Johne Leslys guds prisit failzeing of his

guds to priss his landis for the some of xvj^{xx}xviij marks usuale money of Scotland awing to the said Patry Berclay eftir the tenour of our Souerane lordis letters direct tharapone and the Shef ordanit Thomas Bisset Mair of Fee to cerss and seik the said Johnne Leslyis guds and bring to the said Court to be prisit for the said some undir the pane of ale the said Thomas gudis witht intimacioun quhether the said partiis compeir or nocht the Shef will proced and minister justice and failzeing of guds mouable to priss lands of the said Johnne Leslyis for the said some eftir the tenour of our Souerane lords letters

(17 June 1508)

The Apprising of xij marks wortht vj sh viij d of Auchinschogill pertening to Gilbert Hay of Ardendraucht Knicht

ASSISA.

Alexander Iruyn of Drum Knyt Williame Turing of Foverne Thomas Fraser of Stanyvod Alexander Cuming of Cultir Androw Tulideff of that ilk Henry Forbes of Kynnellour Williame Buchan of Auchnacoy (*sic*) Alexander Wyntone of Andait Johnne Ross of Auchlossin Johnne Dunbrek of that ilk Williame Blakhall of the Barroche of Bourty and Williame King of Bourty the gret aitht suorne apprisit tuelf marks wortht sex schillings and aucht penneis of the landis of Auchinschogill pertenyng to Sir Gilbert Hay Knicht Tharof the ferd part of the said landis quhilk Thomas Auchlek occupiit for fyve pundis wortht of land And fyve marks wortht of the sonny sid of the said landis liand narrest the said ferd part of landis for the sovme of xij^{xx} marks and tene marks usuall money of Scotland aucht till Williame Hay of Ury eftir the tenour of our Souerane lordis letters direct tharapone the terce of the haile saide lands excepit and reseruit to Margaret Leslie the relict of umquhile Williame Hay of Ardendraucht for hir tyme

(Eo. die)

The Prising of the Landis of Ouchterarne

The said day the assiss fornameyt apprisit the half landis of Ouchterarne witht thar pertinence pertening till Alexander Cowtis of Ouchtercoull and Elizibeth Ucherarn his spouse till our Souerane lord for the sovme of xvj lib xviij s iiij d aving till his hienes to remane tharwitht unto the tyme the said some be pait witht all fredomes and proffits pertenyng tharto

(9 January 1508-9)

The said day Alexander Cowtis of Ouchtercoull grantit that he had takin up the mailis of the half landis of Ouchterarne pertening to him and Elizibetht Uchterarn his spous fra the tennents of the samyne

(Eo. die)

The said day the Assiss befor writin fande and deliuerit that Alexander Bannerman Shreff deput[1] of Abirdene aucht tile haue ressaue ande uptak the malys and proffits of the half lands of Ouchterarne pertening tile Alexander Cowtis and his spouss in oure Souerane lords name sene the xvij day of the monetht of June immediat precedand and the date of this Court quhilk day the saide lands was prisit tile oure Souerane Lords hienes in defalt of pament of sextene pund xviij s ande iiij d

(31 October 1508)

The Prising of the Lard of Andats lands

The said day the Assiss befor writin at commande of our Soueran Lords letters apprisit thir lands eftir writin that is to say four marks wortht of lands of Cullyne pertenyng to Alexr Wentoun of Andat quhilks Johnne Matlande nowe occupiis and ane marks wortht of the lands of Andait quhilks Thomas Gray nowe occupiis in defalt of pament of the some of thre scoir of punds sex punds tuelf schilling and nyne pennys aving to James Redauche

(10 November 1509)

The Apprising of the Lard of Innerugyis landis Georg Gordonis landis etc

The said day thir personis under writin that is to say Wilzeame Hay of Ury Gilbert Menzeis of Petfodellis Johnne Forbes of Echt Johnne of Mar Ranald Oudny of that Ilk Johnne Skene of Uchterarne Thomas Waus Alexander Menzies Alexander Hay brodir german to the said Wilzeame Hay of Ury Willzeame Portar Johnne Bannerman Wilzeame Lesly in Tailty Georg Hervy and Alexr King at the prising of the lard of Echts landis chosin and sourne in ane assiss at the command of the Shreff be wertew of our Souerane Lordis letters direct to him tharapone apprisit aucht marks wortht and xxxij d wortht of the landis of Coklaw pertening to Sir Wilzeame Keitht of Innerugy Knicht in heritag to the King for the sovme of fifty sevin marks v s iiij d aucht till his hienes Tharof iiij marks in the yer of the part of the said landis that Johnne of Mar tennend to the said lard of Innerugy occupiis And iiij^{or} marks wortht and xxxij d wortht in the yeir of the part of the said landis that Johnne Artht and Androu Andersoun tennends to the said lard occupiis And xiiij^{or} marks wortht and tua schillings wortht of the tua parts of the landis of Mydmar pertening to Georg Gordone of Abirzeldy Tharof vi marks viij s and xj penneis of the tuapartis of the toune of Mydmar And sex marks wortht of the tuapartis of the lands of Bawblair And xviij

1 Bannerman was presiding judge at this Court and also on 17th June preceding.

schillings and fiwe pennys wortht of the lands of Kynnerny pertening to the said Georg in heritag in defalt of pament of iij^{xx} punds and sex lib aucht tile our souerane lords hienes that is to say for euery vij marks ane marks wortht of land Alsua the said personis befor writin except the said Johnne Forbes apprisit four marks wortht of the landis of the Manis of Echt for xx^{ti} punds aving till our Souerane lord And thareftir the said Shreff deput passet to the Merkat Corss of the said burght and thar be oppin proclamacioun maid be the moutht of Alexander Malvin Mar deput pofferit the said landis to the awnars and creditours of the samyne priss and thareftir till ony utheris that wald by thame ane marks wortht of land for xx marks and failzeing tharof ane marks wortht of land for x marks And becaus he culd find nane to by the said landis he assignit thame till our Souerane lordis hienis for the pament of the said soomes that is to say vij marks wortht of land for euery mark Ande the said lands of Coklaw and Echt ar haldin of our Souerane lorde ande the said lands of Mydmar ar haldin of my lorde of Huntlie

(6 May 1510)

The Prising of the Lard of Echts lands and Lands of Ouchtererne

The said day thir personis Gilbert Menzeis of Petfodelis Androu Cullane Dauid Andersone Georgs of Abercromy and Petmadane Alexander Fraser Johnne Collisone Duncan Collisone Wilzeame Crawfurd Dauid Kyntour Alexander Burnat and Thome Lousone chosyn and suorn in ane assiss at command of oure Soueren lords letters apprisit the therd part of the lands of Culie pertening to Johnne Forbes of Echt extending to iiij marks iij s and x d for the some of tuenty punds awand to our Soueren lord And attour thai apprisit the half lands of Ouchtererne pertening tile Alexander Cults of Ouchtercule for viij punds vj s and viij d awing tile our Soueren lords hienes

(11 May 1510)

The Prising of Georg Gordonis landis of Mydmar (and others)

ASSISA

Johnne Mowat of Lostcragy
Wilzeame Turing of Foverne
Thomas Fraser of Stanywod
Androu Tulideff of that ilk
Henry Forbes of Kynnellour
Wilzeame Buchane of Auchnercoy (*sic*)
Wilzeame King of Bourty
Johnne Dunbrek of that ilk
Wilzeame Johnstone of that ilk
Wilzeame Oudny of that ilk
Alexander Gordone of Kennerty
Alexander Wentone of Andait
Johannes Forbes de Tuligovny
Alexander Caldour of Sonnaherd
Wilzeame of Barroche

The said day the assiss befor writin at command of the Shref be wertew of our Souerane lordis letters direct tharapone apprisit thir

landis eftir writin pertening to Georg Gordone of Mydmar for the some of tua hundretht pundis aucht til our Souerane lord That is to say five marks xij s and viij d wortht of the tuaparts of the landis of Kynnarneis The tuaparts of the landis of Ballinducht extending to vj marks viij s and x d The tuaparts of the landis of Corssfeld extending to xiij s iiij d The haile landis Tolloche extending to v marks Sowme of the said landis extendis to xiiij lib xij s vij d quhilks lands ar haldin of my lord of Huntlie Sa restis iij lib xj s v d of the said some of ij^{c} lib for the quhilks the said assiss apprisit iij lib xj s and v d wortht of the landis of the Esttovne of Cromar pertening to the said Georg quhilks ar haldin of our Soueran lords hienes

Alsua thai apprisit xxx s wortht of the landis of Corss pertening to Patry Forbes of Fodirbirss for his part of the pament of iij^{xx} lib and x lib aving tile our Souerane lordis hienes And the lands of Nethir Diss pertening to Jonhne Leslie of Warders the saide Assiss with consent of the saide Johne Apprisit tile our Soueran lords hienes for the pament of his part of the said some of iij^{xx} lib and x lib Ande the saids lands pertening to the said George of Estoun Patry Forbes and Jonhne Leslie ar haldin of our Souerane lords hienes

(19 May 1511)

The Apprising of Lord Flemings lands

The saide day the personis befor writin suorne in ane assiss at commande and charge of the Shef be tenor of forme of our Souerane lords letters directit tharapone apprisit the lands of Alde Goulis extending to aucht [marks] wortht of landis in the yer for aucht scoir of marks ande thretteine schillings and iiij pennys wortht of the lands of Litill Govlis witht thar pertinence liand in the barony of Monycabok within the saide Shefdome pertening to Johne Lord Flemyng to Thomas Hoppringill masar as is contenit in the said our Souerane lords letters directit tharapone Ande sex schillings wortht of the said lands of Litile Goulis to the Shef for fiwe punds and auchteine schillings of his fe for the prising of the said lands quhilks lands ar haldin of our Souerane lord be seruice warde and relewe

Assignations of Land for Nonentries, Teind, &c

I.

(3 July 1506)

The said day the Assiss befor writin assignit tile our Souerane lords hienes the half lands of Fechtlie Sonnabeth and Estir Drummaloche with thar pertinence with his hienes successors and assignais to remane for thretty yers to cum for the some of xxx^{xx} marks aving to his hienes for

the nonentress of the richtuiss ayrs and ayrs in the said lands eftir the tenor of the Retour maid tharapoun[1]

II.

(27 October 1506)

The said day the Shef assignit to my Lord of Abirdene fywe marks worth of the Lands of Ardmiddill for his secunde teind of the Lands of Ouchterless-dempstar pertening to him be decess of Umquhile Walter Dempstar of Ouchterless

III.

(Eo. die)

The said day the secunde teinde of the lands of Petcapill pertening to umquhile James Leslie of Petcapile extends to fourty marks v s and iiij d ale the tyme of the ward being in the Wardars hands

(3 April 1507)

The said day Androu Lesly grantit him to releiff Dauid Lesly of Petcapill sone and ayr till umquhill James Lesly of Petcapill of the half of the secunde teind aucht to my Lord of Abirdein of the said lands be the space of sextene yers be resone of ward

IV.

(2 May 1508)

The said day the Assiss assignit to my Lord of Aberdenes secunde (teind) fiwe marks wortht sevin s wortht and ane halfpenny wortht of the lands of Auchloche with thar pertinence liand in the baronny of Skene pertening to his Lordschipe be decess of umquhile Alexander Skene of that Ilk induring the tyme of the ward of the samyne

Breach of Arrestment

I.

(30 September 1505)

The said day Williame Blakhall of that Ilk allegiit that Williame Forbes in Lathindy and Johnne Colt hed brokin ane arestment maid be his Officiar in the awaytakin of tua ky ane meyr ane ark and certane Insicht of gair and the schilling of tua bollis of aits quhilk arrest brekin the said Williame Forbes and Johne denyt and askit ane interloquitour of the court the said partiis beand removit it was fundin and deliuerit be the Shreff and the barons that the said arestment was of nane awaill and the Officiar unlauchfule that maid the said Arest

1. The service of John Forbes to his grandfather, Sir Alexr. Forbes of Pitaligo on 21st April preceding bore that the lands were held of the King and had been in non-entry for 30 years.

II.

(11 May 1510)

The said day Thomas Fowler in the Leylug was conuict be the assiss forsaid for the brekin of ane arrest maid apone viij thraif of beir that grew on certane Rudes and croftis liand in the burgh of Kintor pertening to Henry Chamer in heritag for the quhilks he was in amerciament of the Court all his movabile gudes eschet to the Kings use and his persone in ward at the Kings wil and that was gevin for dome be the mouth of the said Willzeame Fynne dempstar

Complaints against Officers of Court

I. (8 May 1504)

The said day Thomas Bisset and Thomas Strath Ilk ane of thame in amerciament of the Court becaus thai ressauit precepts of the Shreff to put tile executioun and present nocht the samyne agane

II.

(9 April 1510)

The said day the Shref ordanit precepts to be direct apone Alexander Malvin to summond him for half ane merk for Henry Chameris expenss becaus he did nocht sa perfitlie to the executioun off his office as he suld of ressoun

III.

(7 January 1510-11)

The said day Thomas Bisset Mar of Fee denyit In jugment that he had lousit the gudes pertenyng to Johnne of Uyne arrestit at the instance of Johnne Allirdes of Badinscoth And gif it was previt on him that he had lousit the samyne he suld recompens the said Johnne Allirdes of the skaitht that he sustenit tharthrou

IV.

(3 June 1511)

The said day Alexander Malvin Mair deput opinlie denyit in the Court that he put out ony gudes out of the landis of Gellane pertening to Johne Forbes or ony tennents or inhabitants the said ground

Entries relating to Criminal Charges

I. (31 October 1503)

Copia Lre regis

James be the the grace of God King of Scottis To oure Sheff of Aberdene and his Deputs ande to oure louit Patry Ogiluy our Sheff in

that part specially constitut gretinge For samekle as we of our speciale grace has grantit our remissioun to James Blak now beinge at our horne for the slauchter of umquhile Robert Watsoun Our wile is herfor and We charge you stratly and commands that incontinent these our letters sene ye in our name and autoritie Relesche the saide James of the process of our horne ressaue him to our pace and gif him the wande tharof the quhilk to do we commit to youe our full power be these oure letters Deliuering thame be you deuly execut and Indorsat agane to the berar Gevin undir our signet at Edinburghe the last day of August and of oure regne the xvj yer

II.

(8 May 1504)

The viij day of the monetht of May the yer of God ane Thousand fyve hundretht and four yeris The said day Williame Colp come souerte tile Alexander Bannerman of Watertone Sheff deput of Abirdene be his hand uphaldin undir the pane of x pundis to entir Dauid Colp his sone befor the said Sheff in the nixt Sheff Court to be haldin within the tolboutht of Abirdene one Setterday the first day of Junii nixt to cum thar tile ansuer for the blud dravin of Katherin Andersone

(14 May 1504)

The said day Jhonne Kintor lamentably complenit to the Sheff sitand in Jugment that Davy Colpe had hurt and dravin blude of Agnes Andersone his modir besekand Justice and thar Williame Colpe his fadir oblist him be his hand lands and guds tile entir the said Davy befor the Sheff of Aberdene or his deputs ane or may in the nixt hed Sheff Court of Aberdene To be haldin within the tolbuitht of the burgh of Aberdene one Tuisday the first day of the monetht of October nixt to cum thar to ansuer at the instance of the said Agnes in the premisses undir the pane of tene punds

III.

(10 October 1504)

The said day Wille Watt at the kirk Clat was corsit and socht to have underliit the law for the slauchter of Andrew Bonamak becaus he was fugitive fra the law and culd nocht be comprehendit tharfor the Sheff put the said Wille Wat to the kings horn

(Eo. die)

The said day Wat Traill his fadir be opin proclamacioun at the merkat croce was warnit this day xv dais to compeir befor the Shef thar tile underly the law for the said slauchter of Andrew Bonacmak

IV.

(1 February 1504-5)

The said day Duncan Thomsone of Auchinhampar fand borcoms in the hands of Thomas Bisset mair of fee of the said Shefdome that Thomas Alexandersone was ane comone theyf and that he had brokin his fadirs chamer and stowin avay the guds schets blankats and uther guds quhilk the said Thomas denyit And incontinent the said borcoms was put to the decisioun of ane assis of thir personis undir writin that is to say William Gordone of Scheues Sir Andrew Fraser of Stanevode Knicht Alexander Skene of that Ilk Andrew Tulidef of that Ilk William Turing of Foveran Henry Forbes of Kynnellar William Blakhal of that Ilk Alexander Couts of Ouchtercoule Henry Annand of Ouchterellone Alexander Crome of Innerernane Alexander Mortymer of Crageuer Patry Gordon of Huddauche Johne Chamer of Strathechin Ranald Oudny sone and appering ayr to William Oudny of that Ilk Robert Burnat of Balmad Johne Dalgarnow of Delgarnoy Fintray and Thomas Fraser of Kinmondy[1] quhilks riplie avisit the gret aithes suorne fande the said borcoms of nayn avale and the said Thomas Alexandersone quyt of all the said thifts

V.

(3 April 1505)

The thrid day of the moneth of Aprile the year of God $j^{m}v^{c}$ and fiwe yeirs Jonhne Williamsone in Ladmakay Donald Gaw in Glencoy Johne Makincalzour duelland in Tollykitht and Donald Makincalzour in Innernyci become souerte be thar hands and guds tile Alexr Bannerman of Wattertoune Shef deput of Abd coniunctlie and severalie tile entir Thome Coup befor our souerane lords Justice the thrid day of the nixt Justice Ayr of Abd to be haldin within the burghe of Abd thar tile underlie the law for the slauchter of Wat Makynreoche undir the pane of and Johne Forbes fear of Brux come souerte be his hands lands and guds to the saide Shef deput as ourborghe tile entir the said Thomas as saide is undir the said pane befor thir witnes Thomas Bannerman William Rossele and Sir Johne Stirueling Notar Publict

VI.

(17 May 1505)

The said day Johnne Pantone of Petmethane fand ane borgh in the hands of Thomas Bisset Mair of Fee of Abirdene that thiftuisly Sande Proudy Johnne Fynie Thome Robertsone Ele the Wif of Sande Proudy Anne Chasour the Wyf of Johnne Fynie the Wif of Thome Robertsoun And the said Johne Pantoun come souerte to follou the said borgh the

1 Jury numbering seventeen.

vij day of Junii be his hand lands and guds And the persons aboue writin thiftuisly staw fra the said Johnne Pantoun vij firlots of aits with the mair[1] out of his barne of the lands of Petmethan

(7 June 1505)

The said day Johnne Pantone of Petmethane band him be his hand landis and gudis to follow the borrowis of thift fundin one Sande Proudy Johnne Fynie Thome Robertsone befor our soueran lords Justice in the thrid day of the Justice Ayr of Abirdene under the pane of fourty lib

(Eo. die)

The said day Alexander Pantoun in Tolhone oblist him be his hand lands and guds to entir Thome Robertsone the thrid day of the nixt Justice Ayr of Abirdene befor our soueran lords Justice thar to underly the law of the borgh of thift fundin one him be Johne Pantoun of Petmethane under the pane of xl lib

(Eo. die)

The said day Johnne Cullane oblist him be his hand lands and guds to entir Johnne Fyne the thrid day of the nixt Justice Ayr of Abirdene befor our soueran lords Justice thar to underly the law anent the borgh of thift fundin one him be Johnne Pantone of Petmetham under the pane of xl lib

VII.

(Entered in Diet Book immediately after 30 October 1505)

James be the grace of God King of Scotts to our Shrefs of Banff and Aberden conjunctly ande seuerally ande thar deputs Greting forsamekle as Finlay Duyr is denuncit our Rebell ande put to our horn as fugitif fra our Lawis at the ferd air haldin in our toune of Banff ande certan otheris wais of quhilks we now ar nocht aduertist Our wile is herfor ande for certan consideracionis moving us We charg youe that the saide Findlay findand youe sikkar souertie to enter to our nixt Justice air of Abirdene befor our Justice ondir the pane of v libs ye Relesche hyme of our horn Resaue him to our peace ande gif him the wand tharof The quhilk to do we commit to youe ande ilk ane of youe our fule pouer be this our letters gevin under our Signet at Aberden the xxiiij day of October ande of our Regne the xviij yeir[2]

VIII.

(21 April 1506)

The said [day] Wat Patousoune was conuict be ane suorne assiss forsaid for the blud dravin and hurting of Catherine Sclugy for the quhilk

1 Full measure.

2 Seeming to prove that King James IV. was in Aberdeen at this time.

he was in ane amerciament of the court and to amend as law will and to forbear in tyme to cum

IX.

(12 May 1506)

The said day Johnne Andersoune deponit be his aitht that Cowe Johnnesoune come one Anne Fentoun at hir avin barne dur and strak hir to the yerd and held hir at the yerd bot he knavis nocht how sche gat the blud bot sche was but blud or he put hand on hir

X.

(Entered between 3 November 1506 and 12 January 1506-7)

James be the Grace of God King of Scots to our Shreff of Abirdene and his deputs Greting our will is and we charge youe incontinent this writ sene ye Relesche of our horne Alexander Narne Ressaue him to our peace and gif him the wand tharof becaus he has fundin seurtie to our louit familiar Clerk and Counsalor Master Richard Lausoun our Clerk of Justiciary to undirly the law at a certane day of our Justice Ayr of Abirdene undir sic lyk pains as the laif of nychtbours and personis has done Eftir the forme of the deliuerance gevin be the lords of our counsaill tharuppone And this ye do as ye will ansuer to us tharuppone deliuering this our letters be youe deuly execut and indorsat agane to the berar ye takand ane actentik copij heirof for your warrand Gevin under our signet at Edinburgh the thrid day of December and of our Regne the nyntene yeir

Ex Deliberatione dominorum Consilii etc.

XI.

(27 February 1506-7)

The said day Thomas Chene was in ane amerciament of the Court in defalt of presence to follou Thome Layng for blud dravyne of him And the said Thomas Layng in ane amerciament of the Court in defalt of presence etc. as he that lauchfullie summond and nocht comperit

XII.

(Eo. die)

The said day William Martin was in ane amerciament of the court for the blud dravyne of Robert Stot etc. and tile amend as law wile

XIII.

(30 October 1507)

The said day Johnne Pantone of Petmedane said opinly in plan Court that he wauld his sone hed strekin out all George Heruiss harins

(Eo. die)

The said day Johnne Pantone was in ane amerciament of the Court be his awne toung grant for the tribulance of the Court in word and to amend as law will and that was gevin for dome

XIV.

(20 January 1507-8)

The tuenty day of the monetht of January the yeir of God ane thousand fiwe hundreth and sevin yeiris Johnne of Mardis band and oblist him be the faitht of his bodie tile entyr the thrid day of the nixt iustice ayr of Abirdene in the tolbutht of the burgh of Abirdene befor our souerane lordis iustice thar tile underly the lawe for the slauchter of umquhile William Buk under the pane of fourty pundis And thir personis under writin band and oblist thame be the faithts of thar bodiis tile ane honerabile man Alexander Bannerman of Watertoun Shef deput of the said Shefdome tile entyr the said Johnne Mardiss the said thrid day of the ayr as said is tile underly the law for the said slauchter under the said pane of fourty punds That is to say Johnne Keitht in Tortowy oblist him for fiwe punds Johnne Mar burges of Abirdene for fiwe pundis William Pyot in for v punds Alexander Johnestone of Baddindauch for v punds William Ranaldsoun for v pund Johnne Drumv in Wattirtone for v punds Dauid Donaldsone in Auchmill for v pundis and William Walcar burges of the said burgh for v punds

XV.

(4 March 1507-8)

The said day Thomas Bisset Mair of Fee grantit that he ressauit xl s fra Androw Wobster for ane amerciament in the Justice Ayr

XVI.

(15 March 1507-8)

The xv day of the monetht of Marche the yeir of God j^{m}v^{c} ande sevin yers Johne of Mar Shef deput of Abirdene for the tyme causit Normond Lesly ane of the mars deputs of the said Shefdome denuncit thir personis Alexander Lindesay that maryit Alexander Reds wifs dochter in Abirdene and his name of the quhilk I can nocht get his name Richerd Lyiele Andro Cuk Henry Emry and Thome Emry our soueran lords rebells and put thame to his horne be wertu and tenour of ane precept of ane nobile and michty lord William Erle Merscheale Lord Keitht and Shef of Kincardin becauss thai war forth soucht and cud nocht be comprehendit to underly our soueran lords lawis for the crimes contenit in the said precept befor thir witnes Johne Lesly of Wardes

Dauid Menzes Gilbert Menzes Prouest of the said burgh Thomas Chand Dauid Andersone Dauid Lesly of Petcapile Thomas Lesly Mathow Branche Robert Waus William Rait and Dauid Tailzour

XVII.

(2 June 1509)

The said day Androue Mur was conuict be the said assiss for cruell hurting and blud dravin of Alexander Nicholsone and aucht tile amend as law will and forber in tym to cum and that was gevin for dome And the said Alexander was maid quyt of all stroublance of the said Androw be the said assiss all in voce concordand

(Eo. die)

The said day Johne Watsone was conuict be the said assiss all in ane voce concordand for stroublance of the said Alexander Nicholsone for the quhilks he was in amerciament of the court and tile amend as law will and forber in tyme to cum And the said Alexander quyt of all stroublance of the said Johnne And atour it was deliuerit and ordanit be the said assiss that the said Androue Mur and Johnne Watsone sall gif to the said Alexander xl s for the skaitht and offens dane to him

XVIII.

(Eo. die)

The said day the Shref assignit Settirday that nixt cummys to Johnne Braxstane als Alexandersone and Thomas Martin duelland in the pariss of Ovin to comper befor him and the baronis thar till underly the law for the Ditty of thift input to thame and failze that thai comper nocht the said day till underly the law to be bannyst the Schir for euer

XIX.

(Eo. die)

The said day Alexander Strachauchin de Lethinturk deuenit plegius legalis per manus sue dextere ostensionem per terras suas et per bona quod Thomas Strachauchin Johannes Strachauchin Willmus Strachauchin Jacobus Strachauchin filii sui Johannes Dune Dauid Croskis et Johannes Ferguss intrabuntur tercio die proximi Itineris Justiciarie de Abirdene coram Justiciariis supremi domini nostri regis aut super premunitione quindecim dierum etc coram supremo domino nostro rege juri subituros pro interfectione Duncani Gareauch Senioris et Duncani Gareauch junioris sub pena juris et secundum tenorem Acti Parliamenti Coram his testibus Patricio Gordoun de Methlik Thoma Fraser de Stenywoid Patricio Stewart de Latheris Andrea Tulidef de eodem Johanne Mowat de Loscragy Johanne Forbes de Echt Alexandro Mortimer de Cragiuer

Johanne Skene de Ouchterarne et Willmo Mortimer filio et apparente herede Alexandri Mortimer de Cragiuer cum diversis aliis etc[1]

XX.

(9 April 1510)

The said day Alexander Malvin at command and charg of the Shreff summond Dauid Reid and Androw Walcar personaly present in plane Court to compeir in the Shref Court to be haldin the xj day of May nixt to cum for the tribulance and blud betuix the said personis of Loky Patersone

(11 May 1510)

The said day Androu Gray lauchfuly summond callit and nocht comperit tile haue borne witnes of the blud dravin of Loky Patersone be Dauy Reid and Androw Walcar

(Eo. die)

The said day Alexander Gray witnes betuix Dauy Reid Androu Walcar and Loky Patersone anent the blud dravin of the said Loky requirit be his aitht deponit and suer that he had giffin parcial counsaile with the said Loky Patersone agains the said Dauid and Androu

(Eo. die)

The said day Johnne of Murray mar deput at command of the Shref summond Loky Patersone personalie present in jugment to compeir in the nixt Shref Court to be haldin within the Tolbutht on Settirday the first day of June to ansuer for the hurting and blud draving of Dauid Reid

(Eo. die)

The said day the Shref continewit the opening of the deposicionis and witness of the actioun of blud betuix Dauid Reid Androu Walcar and Loky Patersone to the Shref Court to be haldin the first day of June And Johnne of Murray mar deput at command of the Shref personalie summond al the said partiis to comper the said day to heir ane deliuerance gevin in the said mater[2]

XXI.

(31 July 1510)

The said day Johnne Goddisman in Tulifour was lauchfully summond be Malvin deput mar to follow the blud drawin of him be Androw Strachachin quhilk comperit nocht for the quhilks he was in amerciament of the court sic as he aucht to tyne of law And atour the

1 Compare Release of John Fidlar from the Horn on 26th May 1511.

2 No further entry has been found.

Shref ordanit the said mar to pass and warne the said Johnne to the nixt hed Shref Court to be haldin withtin the Tolbuitht of Abirdene one the law day nixt eftir the fest of Sanct Michaell nixt to cum

XXII.

(Eo. die)

The said day Alexander Malvin mar deput at command of the Shref summond Andrew Strachin personaly apprehendit in jugment to comper befor the Shref or his deputis at the nixt hed Shref Court eftir the fest of Sanct Michaell to ansuer for the blud dravin of Androu Roust And summond the said Androu Roust to comper the said day to follou the said blud drawin of him be the said Androu Strachachin

(1 October 1510)

The said day Androu Strachachin was maid quyt be the assiss for the wrangous blud drawin and hurting of Androu Roust and Johnne Goddisman[1]

XXIII.

(Entered after 29 November 1510)

James be the grace of God King of Scotis To our Shrefs of Inuernes Banff Elgyne and Fores and Abirdene and thair deputtis and to our louits Duncan Richardsone our Shreffis in that pairt coniunctlie and severaly specealie constitut greting Forsamekle as it is humblie menit and schawin to us be our louit Androw Smyth that quhar umquhill Alexander Angusone his brother wes cruelly slaine xv daiis eftir pasche wes ane yer be William Setoun sone to Alexander in Strachone and utheris his complices quhilk William Setoun is now in the handis of our cousing and consolour Alexander Erll of Huntlie in firmance in our castell of Inuernes and his saidis complices that war at the committing of the said slauchter ar in the cuntre and as yit nocht underlyit our lawis the maist pairt of thame under the barron of Crome lard of Innerernan in Mar in gret lichling and contempting of our autorite and lawis gif sa be Our will is herfor and we charg you straitlie and commands that incontinent thir our letters sene ye pas serch and seik the complices forsaids of the said William Setoun and gif thai can be comprehendit that ye tak sicker souertie of tham sa mony as the said Androw will mak gud faith befor you was art and pairt of the said slauchter and gevis thar names in bill that is to say of ilk gentilman landit under the pane of i^c lib ilk gentilman unlandit i^c marks and ilk yoman xl^d (? lib) that thai

1 It may be noted that Roust and Goddisman were at this Court convicted of Spuilzie, p. 59, and it may be inferred that there was bloodshed, which on Strachachin's part was held to be justifiable.

sall compeir befor our Justice the third day of our nixt Justice ayr of Abirden to underly our lawis for the said slauchter and gif thai be fugitive or refusis to find the said souirty that ye denunce thame our rebellis and put thame to our horne and eschaet and inbring all thair mouable gudis to our uss and atour that ye tak sickir souirty and lauborrows of sa mony personis as the said Androu will mak gud faith befor you he dreds bodely harme ande gevis thair names to you in bill that is to say ilk gentilman landit under the pane of i^{c} lib ilk gentilman unlandit i^{c} marks ilk yoman xl lib that the said Androu sal be harmles and skaithless of thame and all that thai may latt but fraud or gile bot as law will This ye do as ye and Ilk ane of you will ansuere to us apone the executing of your office The quhilk to (do) we committ to you coniunctlie and seuerallie our full pouer be thir our letters Deliuering tham be you deulie execut and indorsat agen to the berar gewin under the signet At Striueling the xxv day of Aple and of our Regnne the xxiij yer

Ex deliberatione Dominorum consilii

XXIV.

(31 March 1511)

The last day of the monetht of Mche the yer of God j^{m}v^{c} and xi yers Gilbert Menzeis prouest of Abirdene and Shref deput of Abirdene passit to the mercat croce of the samyn and thar be the moutht of Normond Leslie ane of the Mars deputs of the said Shrefdome be oppin proclamatioun thus as effers exponit how the Shreff's precepts being direct to him thareftir passit corssit and socht Johne of Iruyne in Badarauche within the bounds of his office and culd nocht comprehend him to haue fundin souerte tile undirly the Kings lawin for the cruele slauchter of Patry Birby Tharfor the said Normond put him to the Kings horne and declarit him his rebele forbidand in our souerane lords nayme that nay manner of persone intromit with his guds under ale pane and charg that eftir may follow etc befor thir witnes Shir Johne Ruthirfurd Johne Cullane Johne Colisone Johne Mar James Colisone Androw Fyf Waltir Cullane etc

XXV.

(29 April 1511)

The Shreff ordanys that all personis that ar proclamyt heir now And all the personis that hes bene proclamyt diuerss and mony tymes of befor at this Merket Croiss and utheris diuerss pairtiis of the Schyr to enter to the nixt Justice ayr for slauchters and muttillaciones befor the Shref of Abirdene or his deputis ane or may in the tolbutht of Abirdene that thai compeir the sex day nixt to cum and find souertie to enter to

the nixt ayr under the pane of rabellione and puting to the horne and thame that cumis nocht the said day and fyndis nocht the saidis souertye as said is that thai sal be denuncyt the Kings rabell and put to his horne and all thair movable gudes eschaet to our souerane lordis use

XXVI.

(Entered after Court of 22 May 1511)

Relax° Johne Feldar a cornu Regis

James be the Grace of God King of Scotis To our Shref of Abirdene and his deputis greting Oure will is and we charg you incontinent eftir the sycht herof ye relax Jonhne Fidlar of the process of our horne execute apoun him in defalt of souertie finding to undirlie our lawis for art and pairt of the slauchter of umquhill Duncan Gauriach and ressaue him till our pece and gif him the wand tharof to remane thairat unto the first day of our next Justice ayr of Abirdene Deliuering thir our letters be you deulie execut and indorsat agane to the berar Gevin under the Signet at Edinburgh the xxvi day of May and of our Regne the xxiij yeir[1]

XXVII.

(5 August 1511)

The said day Duncan Mathousone and Patry Moir ilk ane of thame was in amerciament of the Court be ther avin toung grant for the hurting and cruele blud draving of Elene Gavain and till amend as law wil and forber in tyme to cum and atour it was ordanit that ilka of the said personis sall gif v s to the said Elene tile amend for the skaith done to hir

XXVIII.

(30 September 1511)

Thome Cowy in Futy for the cruele hurting and blud dravin of Patry Mostrop in Futy oftymes callit and nocht comperit amerciatur in defectu presencie

XXIX.

(Eo. die)

The said day Marioun Clerk the spous of Adam Weir oftymes callit and nocht comperit till have ansuerit for the cruele hurting and blud dravin of Anny Findelaw in amerciament of the Court in defalt of presence

1 Compare with entry of 2nd June, 1509, regarding slaughter of Duncan Gareauch, Senior, and Junior, p. 95.

Aberdeenshire Sheriff Court:

The Warnyng of the Wappinschaw

(4 March 1507-8)

The said day the Shref be oppin proclamacioun at the mercat Croce of Abirdene warnit the Wapschawing eftir the tenour of our Soueran Lordis letters to compeir apone the Linx of the said burgh the viij day of Junij nixt to cum under the panis contenit in the said letters etc And to be bodin for weir as effers as the said letters proports

Miscellaneous Obligations and Contracts

I.

(31 October 1503)

The said day the saide assiss deliuerit and fand that Johne Allirdes of Badinscothe ave to seile Shir Johne Rutherfurds Charter of his third part of the lande fewit tile him liande in Abirdene in the Schipraw betwix the lande of Alexander Mar one the southt and the lande of umquhile Androw Branche one the northt witht his avin seile And quhat costis ande expenss that the said knycht may preive he has made in the saide Johne of Allirdes defalt anent the saide thrid part of the lande the said Johne of Allirdes sale content and pay to the saide knycht and the Shref of his office assignit to the saide Shir Johne Rutherfurde the nynt day of Januar nixt to cum the hede court day of the saide Schir to be haldin withtin the tolbuthe of Abirdene to preive the said costs skaithis dampnais ande expenss maide be him in the saide mater ande warnit and summonde the saide Johne of Allirdes to comper the said day to her the said allegeance previt

II.

(31 October 1503)

The said day Johne Cultis of Ouchtercoule oblist him be his hande uphalding to pay to Gilbert Menzeis burges of Abirdene iiij lib at baek day nixt to cum under the pane of dovblinge of the said some

III.

(9 January 1503-4)

The said day it was appoyntit ande accordit betwix rycht honerable men Alexander Iruyne of Drum knycht one that ane part and James Abirnethty procuratour tile Ellene Abyrnethty his sister one that udir part In maner and forme as eftir followis That is to say the said knycht for himself the said James for his said sister ar oblist and suorne be the fathis of thar bodys to stand ande abid at the deliuerance decret ande ordinance of thir personis eftir folloving or ony five of thame that is to say Duncan Thomsone of Auchinhampars Patry Steuart of Lathers and

Alexander Abyrdour chosin be the said knycht The master of Saltone Willeame Forbes of Towys and Johne Gordone of Lunger chosin be the saide James anent the Terce of the landis of Craok clamyt to pertene to the saide Ellene be ressone of terce be decess of umquhile Georg of Gordone hir spouse Quhilks partiis sal caus the said personis to convene ilk ane the persons chosin for thame at the Chapell of Sydgat the first Sounday of Lentryne nixt to cum and thar tak the said mater to thame ande gif furtht thar decret and deliuerance tharintile eftir thar aithes and conscience befor thir witnes Schir Gilbert Hay of Ardendraucht knicht Master Androue Caidioue Schir Dauy Nell and Schir Johne Stiruelinge notar publiks

IV.

(16 April 1504)

The said day Thomas Laysk grantit hyme to warrand kep ande defend Alexander Bannerman in Knavane skathles and free of the maile of the thrid part of the landis of Knavane takin up be hyme fra the said Alexander insafar as law wile

V.

(31 July 1504)

The said day Johnne Crokat grantit to warrand the cow to Alexander Andersone as law will that he had sellit to him[1]

VI.

(31 July 1504)

The said [day] Margaret Leslie the relict of umquhile William Hay of Ardendraucht grantit hir to keipe nychtbourschip to Sir Gilbert Hay of Ardendraucht Knicht and oblist hir tharto ande askit the samyn to be akit and to fynd the said nychtbourschipe[2] ale the dais of hir liwe

(Eo. die)

The said day the Shref assignit the law day eftir Michaelmes nixt to cum to Sir Gilbert Hay of Ardendraucht Knicht to preiw the costs ande skaithts that he has sustenit throw the wanting of nychtbourschip anent the labouring of the terce of the Manys of Ardendraucht in the defalt of Margaret Leslie eftir the tenour of his precept

1 This would be a warranty of title to sell, not of quality or soundness of the animal.

2 The mutual obligations of tenants holding under the same landlord to assist each other in ploughing and otherwise went under the name of good neighbourhood, and various references will be found in Cosmo Innes' *Scottish Legal Antiquities*, pp. 248, 251-2, and 254. What were the obligations as between a proprietor and the Lady of the terce does not appear, and unfortunately, the foregoing are the only entries found in this volume.

VII.

(27 October 1506)

The said day comperit Johnne Oudny in jugment befor the Shref and deponit the gret aitht that he come borgh and hamald for ane horss sauld to the lady of Oudny be Johnne of Mylne

VIII.

(12 January 1506-7)

The said day Alexander Cumin of Cultir oblist him be the faitht of his bodie to pay to Alexander Bannerman of Watirtone Shref Deput of Abirdein fiwe marks of annuell aucht to him of this yeir immediat bigane out of his lands of Kilduthe withtin xxiiij hours eftir the gudis pundit distrenzeit and takin be the mars for the said annuell be deliuerit agane And the guds that was pundit and ded in the tyme salbe allouit in the pament of the said fiwe marks as thai war prisit befor the mair

IX.

(17 June 1508)

The said day Williame Thomsone hatmakar and Meg Philpsone his spous grantit that thai had sauld tua yong scheip to Rob Bozray and to Anny Patry videw tua yong scheip and a lamb quhilks thai deliuerit to the said personis and ressauit pament tharfor

X.

(9 April 1510)

The said day Thomes Fouler in the Leyluig oblist him be the faitht in his bodye to delyuer to Schir Johnne of Stiruelling or to his seruands within his tak of Estir Cardny the Cow quhilk Johnne Sownlis has of his or ellis the best cow that he has of his awne and xx s of money within aucht days heireftir following without lang delay fraud or gile befor thir witnes Patry Berclay of Garntuly William Craufurd of Federay Patry Stewart of Lathers Henry Forbes of Kinneller Thomas Forbes his brodir Mastir Dauid Nicholsone and the haile said assiss

XI.

At Abirdene the xviij day of the moneth of Aprile the yer of God j^{m}v^{c} and xj yers It is appontit and accordit betuix ane honerabile man Andro Elphinstone of the Selmys in the name and behalf of ane Reuerend Fadir in God Wilzeame bischop of Aberden one that ane part and Johnne Findour wrycht one that uther part in maner and forme as eftir followis that is to say the said Johnne sal God willing mak and compleit the tymmer werk of the grat stepile of the cathederall kirk of Aberdoun that

is to say the brandraucht[1] and loft that the prik[2] of that said stepil sal be raisit on togidder with the said prik eftir the forme and patroun gevin be the said Reuerend Fadir to the said Johnne weill and substancheously junyt and hewin as the stepil and prik of the kirk of Sanct Johnnstoun is on this wiss that the neddir tume[3] salbe maid witht ane battaling of tymmer at the hed of the said tume witht aut [ane?] passag about the said tume quhen it cummys to viij squair and sal theik the said tume witht burdis and the undir prik of the said stepil witht latht for leid And froath[4] sall raiss the prik of the said stepil abuf that tume and sal bynd that substancheously to the perpetuale loft[5] of the samyn witht the knop and cok one the hed of the samyn as the forsaid stepil of Sanct Johnnstone is And of hycht as the said Reuerend Fadir wil desir For the quhilks toume and prik brandraucht and loft forsaid the said Andro sall weil content and pay to the said Johnne Fyndour the sowme of iiij^{xx}viij lib and xviij s That is to say tuenty tua lib iiij s vj d at the entress of the said Johnne to the said werk And xxij lib iiij s vj d at the completing of the said neddir tume brandraucht loft and passag tharof And xxij lib iiij s vj d at the hail completing of the said prik towme loft and brandraucht as is forsaid and xxij lib iiij s vj d at the completing theking witht burd and lachting and upputting of the weddircok of the said prik in complet pament of the said sowme of iiij^{xx}viij lib and xviij s The said Reuerend Fadir findand to the said Johnne tymmer irne and all uthir nedful stuf to the werk and als sall get him help of men for the wynding and upputting of the said werk quhen he is reddy tharto The said Johnne findand werkmen and sawing quhen neid beis And for the sawing of the said tymmer being in the wod my lord sal ger schaw thame on his expenss And that this forsaid werk be completit witht all possibile haist sua that it may be completit and thekit betuix this and wyntir nixt following And als the said Johnne sall hereeftir at the will and plessour of the said Reuerend Fadir mak the loft and bestailze[6] for the hinging of the gret bellis and ringing of the samyn weil and substancheously to the perpetual loft of the samyn and esy ringing of the said bellis And sal mak gret and squar beddis[7] fra the oo[8] up of the said stepile to the undir passag of

1 Framework.

2 Spire.

3 Presumably a void or empty space.

4 Meaning probably 'from that point.'

5 'Perpetual loft' may be another way of referring to the brandraucht or fixed base of the superstructure, or to the flooring above the brandraucht.

6 Bell-cage.

7 Probably steps.

8 This may be a reference to a marking on the form and pattern supplied to the tradesman.

the said prik that men may pass esely and soueralie to the hycht of the said stepil withtin the samyn witht al and sundrie uthir necessar thingis belangand the said stepile And sal mak wyndess withtin the said stepile that salbe seyne spedfull for to help to the hesing of the said gret bellis lik as is in the said prik of Sanct Johnnstone For the quhilk the said Reuerend Fadir or his factours sal weil content and pay to the said Johnne the sowme of xliiij pundis ix s on this wiss An quarter heirof at the beginning of his said werk that is xj lib ij s iiij d (*sic*) and als mekile at the myd werk doing and the remanet that is xxij lib iiij s vj d at the finale end and complet of all the said stepill and werk forsaid the said Reuerend Fadir as said is fyndand tymmer Irne werk and help to the hesing of the tymmer as said is And for the keping and fulfilling of the said contract the said Johnne has bundin and oblist him fathfully and sal Act himself befor the commissar of Aberdene undir the panis of cursing And befor the Shref of Aberdene undir the pane of rebellion and putting to the horne and sall remain continialy fra this day furtht on to the finale and complet end of the said werk undir the said panes And als maks Alexander Wardlaw and Master Johnne of Murray his lauchful procurators to act hym in dew forme befor the lordis of Counsaile to fulfill and keip all and sundre the forsaid poyntis undir the pane forsaid witht the costis skathis and expenss gif it falis the said Johnne to failze in ony of thir premisses

XII.

(26 July 1511)

The xxvi day of the monetht of July the yer of Gode j^{m}v^{c} & xj yers Jonhne of Dune producit ane writ as follouis to Gilbert Menzeis Shref deput of Abirdene Schir Shref I commend me to you and pless To wit I haue writin to the Alderman of Abirdene befor for Jonhne Dune my seruande tueching borcoms funden to the law I stand souerte my self eftir the tenor of the Kings letters quhilk I t (word or two torn) sufficient enuche Subscriuit with my hand at Forbes (word torn) Lord Forbes

XIII.

(30 September 1511)

The said day It was appontit and accordit betuix Nichol Elphinstone of Glak one that ane part and Alexander Walcar in Petskurry Thomas Walcar his sone and Johnne Dauisone one that uthir part In manner and forme eftir folloving that is to say ilkane of the said personis sall content refund and pay to the said Nichol half ane boll of malt four fowlis and tua huks ane day in harsit for this instant yeir in recompens for thar petis castin in his West moss of the Glak for his maile of the said moss quhilks thai pait him yerlie sen he was lard of the samyne

Royal Exemptions from Attendance in the Sheriff Court

(Entered on 9 April 1510)

James be the Grace of God King of Scottis To our Shref of Abirdene and his deputs greting Wit ye that forsamekle as (we) understand that oure louit Willzeame Gordoun fear of the lands of Johnis leyis within oure Shrefdome of Abirdene stands in continuale seruice to oure traist cousing and counsalour Alexander Erll of Huntlie now remanand with us in our daily seruice for the quhilk the said Willzeame may nocht keep our Shref courts of Abirdene nor gif sute and seruice in the samyn We haff thairfor of our speciale fauours and for the gud seruice done and to be done to us be our said cousing exemit and be thir oure letters speciale exemis the said Willzeame his seruand fra all the comperance to our Shref Courts of Abirdene and fray all presence sute and seruice to be gewin be him in the samyn for his saids lands of Johnisleyis for the space of fiwe yers nixt to cum eftir the day of the date heirof and dischargs him of his presence sute and seruice aucht (for) his saids lands in the saids courts during the said space and dischargs him inlikwiss of all unlayis put one him or his saids lands for falte and sute or presence for the samyn in our said Shref Courts sen the fest of Mertymes last bipast be thir oure letters Oure will is heirfor and we charge you that ye and your deputs ceis fra all calling and unlawing of the said Willzeame for sute and presence or ony uthir seruice for his saids lands in oure said Shref Courts for the said space of five (years) nixt to cum and fra all poynding of him or his saids lands for ony unlawis thairof bigane sen the said last terme of Mertymes Dischargeing you and your deputs thairof and of your office in that pairt during the said space be thir our letters deliuering thame be you sene and understandin agane to the berrar Gewin undir our signete at Edinburgh the xxiij day of Fabruar and of our Regnne the xxi yeir

(Entered Eo. die)

James be the Grace of God King of Scottis To oure Schiref of Abirdene and his deputis greting Forsamekle as we understand that our louit Thomas Coupland of Udaucht is occupyit in continuale seruice with us and with oure weil belouit cousing and consaloure Alexander Erll of Huntlie for the quhilks he may nocht gudely cum to gif sute and presens for his lands of Udaucht in our Shref Courts of Abirdene We hawe heirfore exemit and be thir oure letters exemis the said Thomas fra all sute and seruice to be gewin be him for his saids lands in oure Shref Courts of Abirdene and fra you your office and Jurisdictioun in tym cuming during (our) Will be thir our letters Oure Will is heirfore and we

charge yow that ye and your deputs ceiss fra all journaing[1] and calling the said Thomas for ony sute and presence or ony uthir seruice quhatsumeuer to be gewin for his saids lands in oure Shref Courts of Abirdene or to pass upone Inquests Assyis or uther vais in tym cuming or to unlaw him or his saids lands thairfor or to do ony thing incontrar this oure exemptioun in ony viss during all the tym thairof under all the hiest pane and charghe that eftir may follow Dischargeing you and your deputis of office in that parte be thir oure letters of exemptioun for our will to endure and ay and quhill we declaire our mynd to you in the contraire be oure speciale letters to be schewing thairapone Thir oure letters be you sene and understand deliuering thame agane to the berrar Gewin undir oure signete at Edinburgh the xiiij day of July and of oure Regnne the xx^{ti} ij yeire etc

The Forest of Birse

In a case between Alexander Cumin of Cultyr and Thomas Cumin of the Hyrne, of which neither the beginning nor the end is reported, but from which it appears that Thomas Cumin was claiming, as against the laird of Cultyr, to be owner, by right conferred on him by his father, of a herd of wild horses in the Forest of Birse, the following evidence is found recorded, supplying a picture of the Forest and of the Mounth 400 years ago.

(13 April 1507)

The said day Alexander Allane deponit be his aitht that he knew nocht gif the mers horss stags ande folis war givin to Thomas Cumin bot he herd say[2] that the said Thomas Cuminis fadir wauld haue gevin thame to him or he decesit

Thomas Yuyll deponit be his aitht that (he) herd and was besid quhen William Cumin Thomas Cuminis fadir gef to the said Thomas the mers horss stags and folis befor or he decessit xx^{ti} yer

Johnne Mostrop deponit be his aitht that he herd Thomas Cuminis fadir say that he suld gif the mers horss stags and folis to Thomas Cumin bot he was nocht besid quhen he gef thame him Nay watt nocht gif he gef thame to him

1 This is the only instance found of the use of this word. The past participle is found in Jamieson, 1867 Ed., p. 299, and is said to mean summoned or cited to a court. A number of related words, signifying a day's work, a day's journey, &c., &c. will be found in D'Arnis' Late Latin Dictionary, 1866, pp. 1233-4.

2 Hearsay evidence was quite commonly accepted apparently.

Johnne Colisone in Cultir deponit be his aitht that he herd Thomas Cuminis fadir say that he wald gif the mers horss stags and folis to the said Thomas bot he knavis nocht gif he gef thame to him

Dauid Yuhne deponit be his aitht that William Cumin Thomas Cuminis fadir gef him ale the wild mers horss stags and folis that he hed into Birss to the takin Dauid Hunter kepit thame upone Thomas Cuminis behalf And the said Thomas gef him for the keping of thame ane couering of ane doublat of fustean and ane bonet Thomas Cumin in the mayntyme sald ane horss to Wat Idill and tuk ky in pament of the said horss and sauld ane uther horss to Will Carnequhyne of the samyne stud and tuk scheip in pament

Thomas Bisset deponit be his aitht that Williame Cumyn gaf to Thomas Cumin his sone ale his wilde horss and mers staggs and folis and ale thar profits quhilk ged in the Forest of Byrss and in the Monthe quhar thai ged and callit him witness tharto And he sawe thame nocht deliuerit to the said Thomas nor wist nocht deliuerit

Brieves of Tutory

(29 April 1505)

Inquisitio tutorie Joannis Lyone[1]

(The Jury)

Alexander Iruyne of Drum
William Fraser of Phillortht
Gilbert Hay of Ardendraugh Knight
William Lesly of Balquhane
George Leitht of Barnys
Alexander Skene of that ilk
Alexander Mortymer of Cragyver
John Ross of Auchlossin
Alexander Caldour of Sonnaherd
John Gardyne of Lathers
Thomas Burnat of Balmad
Alexander Wyntone of Andait
William Johnstone son and apparent heir of Alexander Johnstone of that ilk
Henry Forbes of Kynnellour
John Dawgarnow of Garne Fintra

1. John, Lord Glammys, had earlier on the same day been served heir to his brother, George, Lord Glammys, in the Barony of Belhelvie, and other heritable property in Aberdeenshire.

(The Verdict)

Iidem jurati dicunt quod Dauid Lyone est propinquior Agnatus id est consanguineus Johanni Lyone fratri et heredi quondam Georgei Lyone Domini de Glammys ex parte patris sui Et excessit etatem viginti quinque annorum Et est rei sue prouidus et potens cauere ydonei de administratione rei aliene Et non est propinquior successurus ipso Johanni si ipsus Johannes contigerit in fata decidere Datum et clausum etc

(Procuratory by John Earl of Crawford)

Be it kende tile ale men be thir present letters us Johne Erle of Craufurde ande lorde Lindesay tile haue maid constitut and ordanit and be the tenor of this writ makis constitutis and ordanis our weile belovit cusings ande frendis Alexander Menzeis Robert Blinseile burges of Abirdene Master Hendrie Lindesay James Lindesay and Johne of Mar our werray lauchfule ande undoutit procuratours actours factours speceale messingers ande erande berrars giffande grantande ande commitande to our said procuratours and to ilk ane of thame coniunctlie and seueralie our fule plane pouer for and in hour (*sic*) naime and apoune our behalf to compeir in the Shref Court of Abirdene to be haldin in the tolbutht of the samyn the tuenty nynt day of the monetht of Aprile instant be Alexander Bannerman of Watertoune Shref deput of Abirdene and thair for us and apone our behalf to becum souerte or caucionar for Dauid Lione of Balmaudy to the said Shref deput touching the tutre of Johne Lord of Glammys that the mailis ande proffits of the saide lords blanchferme landis that the said Dauid intromettis witht as tutour of law to him salbe competabile and furthcumande to the said lordis use and proffit quhene he cumes tile his lauchfule aige as law wile Ande the saidis my procuratours or ony ane of thame tile hev pouer to binde for us to be ane of the souerties or caucionars in the premisses in cumpany with ane richt nobile man William Master of Erole Sir Alexander Guthre of that ilk Sir Gilbert Hay of Ardendraucht Sir Alexander Crawmonde of that ilk Knichts William Lyone of Estir Ogile and Waltir Wodt of Bonnytoun or any fif of thir coniunctly ferme ande stable haldande and for to hauld ale and quhatsumeuir things the saide my procuratours or ony ane of them coniunctlie and seueralie in the premisses in my naime leids to be done undir the Ipoteik and oblising of ale our guds present and for to cum In witness of the quhilks thing to thir present letters we haf affixit our seile at Downe togidder with our subscriptioun manuale the xxvij day of Aprile the yer of God Ane thousande fiwe hundretht and fiwe yeris etc

(Procuratory by Sir Alexander Guthrie of that Ilk)

Be it kende tile ale men be thir present letters me Alexander

Guthare of that Ilk Knycht tile haf maid constitut and ordanit Ande be the tenor of this writ maks constituts and ordanis our weile belowit frendis Androw Strachachin James Lindesay Thome of Leslie Thome of Tullocht ande Thome Wode my veray lauchfule and undoutit procuratours . . . . . to become souerte or caucionar for Dauid Lione of Breky . . . . . in cumpany of ane Richt nobile and mychty lorde Johne Erle of Craufurd Lord Lindesay William Master of Erole Sir Gilbert Hay of Ardendraucht Sir Alexander Crawmonde of that Ilk Knyts Waltir Wod in Bonytoune ande William Lione of Ester Ogile or only fif of thame . . . . . under the Ipotheik and oblising of ale our gudis present and to cum In witnes of the quhilk thing be causs I hede nocht ane seile of my awin I haue procurit with instance the seile of ane honourabile man Sir Alexander Grammont of that Ilk togidder with the subscriptioun manuale of my hande at Brechin the xxvij day of this instant moneth of Aprile befor thir witnes Georg Guthari Rob of Guthare and Thome of Grammont the yeir of Gode ane thousand fiwe hundretht and five yers etc

(The Bond of Caution for Tutors Intromissions)

The saide day Dauy Lyone of Breky James Lindesay procuratour tile ane noble and michty lorde Johne Erle of Craufurd and Lord Lindesay and Thomas Wode procuratour to Sir Alexander Guthrie of that Ilk Williame Master of Eroll Gilbert Hay of Ardendraucht Knicht Alexander Crabmonde of that Ilk Knycht Patry Rede of Collistone and Williame Lyone of Estirogill bynd and oblist thame coniunctlie be the fathis of thar bodiis thar hands uphalding thar lands and guds tile Alexander Bannerman of Wattirtone Shref deput of Abirdene that the malys fermes ande profits of the blanch ferme lands liande within the Realme of Scotlande with the quhilks the said Dauy Lyon tutor and narrest cosing to Johne Lyone Lorde Glammys happenis to intromet salbe responsale and competebile to the said Jonhne Lyone Lord and furthcumande eftir the law of Scotlande quhene euir he cumis to perfit age Ande the said Dauy Lyone oblist him his ayrs executors and assignes be the fathis of thar bodiis thar lands and guds to freithe releiwe and keipe the saide lords Knichts and personis skaithles of the said caucioun and souerte but fraude or gile

(11 January 1507-8.)

(Tutory of Marion Reid daughter of Alexander Reid of Pitfodels)

Assisa super deseruicione breuis tutorie Mariote Reid Willelmus Frasar de Phillortht Miles Johannes Forbes de Petslego Georgeus Gordone de Abirzeldy Walterus Berclay de Towy Willelmus Craufurd

de Federay Willelmus Turing de Fouern Thomas Frasser de Stanewod Johannes Ross de Auchlossin Johannes Troup de Commolegy Henricus Forbes de Kynnellour Alexander Caldour de Sonnaherd Patricius Steuart de Latheris Walterus Innes de Touchis Willelmus Blakhall de Barrauch de Bourty Willelmus King de Bourty

The said day Margret Craufurd the relict of umquhile Alexander Rede of Petfoddellis and hir forspekaris producit the testment of the said Alexanderis befor the said Assiss sayand ego lego Mariotam Reid filiam meam et heredem cum bonis suis Margarete Crafurd matri sue cum adiutorio Domini Johannis Reid inforsing the said termes offering thame to preiwe witht the witnes and him that wrait the testment that the said Alexander left his said wif tutor testamentale to the said Marioun his douchter for the quhilks the assiss forsaid referrit to my Lord of Abirdene and the spirituale court to knawe apoun the tutor testamentale becaus it pertenis to his iurisdictioun For the quhilks thai can nocht proced in the seruing of the said breiwe quhile the said dout be removit

Appointments of Court Officials

(1 October 1504)

Eodem die Johannes Bannerman electus fuit marus deputatus per vicecomitem deputatum prestito solito juramento

(13 April 1507)

Eodem die Alexander Knicht electus et constitutus fuit clericus dicti vicecomitatus prestito solito juramento

(5 October 1507)

Eodem die Walterus Murray juratus fuit judicator curie

(Eo. die)

Eodem die Alexander Knicht et Johannes Watsone electi fuerunt in officium clerici vicecomitatus de Abirdene prestitis solitis juramentis

(30 October 1507)

Eodem die Andreas Sellar juratus fuit judicator curie

(3 October 1508)

Robertus Mure juratus judicator curie

(Eo. die)

Eodem die nobilis prepotens et magnificus Dominus Johannes Comes Craufurdie ac vicecomes de Abirdene fecit constituit creauit et nominauit honorabiles viros Gilbertum Menzheis de Petfodellis et Johannem Mar suos legittimos et indubitatos vicecomites deputatos dicti vicecomitatus de Abirdene dan et conceden eisdem ac eorum alteri coniunctim et diuisim

nostram plenariam potestatem ac mandatum speciale pro nobis et nomine nostro curias nostras dicti vicecomitatus inchoandi tenendi et dilinquendos amerciandi etc breuia capelle regie exceptandi proclamare faciendi debitam execucionem mandandi ceteraque omnia et singula faciendi gerendi et exercendi in premissis que de Jure aut consuetudine pertinere dinoscuntur in uberiori forma qua fieri poterit promitten ratum et gratum firmum et stabile se haben

(6 April 1510)

Eodem die Magister Thomas Gourlay constitutus fuit clericus vicecomitatus de Abirdene prestito solito juramento

(25 May 1510)

Eodem die Robertus Huchonesoun electus fuit clericus vicecomitatus de Aberdene prestito solito juramento

(13 March 1510-11)

Eodem die dictus Dominus Vicecomes [William Earl of Erroll] fecit constituit creauit et nominauit tenoreque presentis acti facit constituit creat nominat et ordinat honorabilem virum Gilbertum Menzeis prepositum burgi de Abirdene suum verum et indubitatum vicecomitem deputatum eiusdem vicecomitatus dan et conceden eidem suam plenariam et legittimam potestatem mandatumque speciale curias assignandi inchoandi et tenendi toties quoties opus fuerit sectas vocandi transgressores puniendi amerciamenta curie leuandi breiua ac alias literas quascumque proclamandi Ceteraque omnia singula faciendi et exercendi in premissis que ad hunc officium de jure spectant Promitten se ratum gratum habendum et habiturum totum et quicquid dictus suus deputatus in premissis nomine suo duxerit faciendum prestito solito juramento indurante voluntate dicti domini

(Eo. die)

Eodem die dictus Dominus Vicecomes fecit constituit et creauit Willelmum Scrimgeour marum deputatum dicti vicecomitatus dan et conceden eidem suam integram et legittimam potestatem ad exercendum officium hunc mari deputati prestito solito juramento

(29 April 1511)

Eodem die dictus Dominus Comes de Erole ac Vicecomes de Abirdene fecit constituit creauit et nominauit tenoreque presentis acti facit constituit creat nominat et ordinat honorabilem virum Alexandrum Bannerman de Wattertoun suum verum legittimum et indubitabilem vicecomitem deputatum eiusdem vicecomitatus dan et conceden eidem suam plenariam et legittimam potestatem mandatumque speciale curias assignandi inchoandi et tenendi toties quoties opus fuerit sectas vocandi transgressores puniendi amerciamenta curie leuandi breuia et alias literas

quascumque proclamandi ceteraque omnia et singula faciendi et exercendi in premissis que ad hunc officium de jure spectant promitten se ratum firmum et stabile haben et habiturum totum et quicquid dictus suus deputatus in premissis nomine suo duxerit faciendum prestito solito juramento

(Eo. die)

Eodem die dictus Vicecomes principalis fecit constituit creauit et nominauit Walterum Masone Johannem Murray et Andream Watsone coniunctim et diuisim maros generales vicecomitatus de Abirdene prestito solito juramento indurante sua voluntate.

(9 May 1511)

Eodem die prefatus Dominus Vicecomes fecit constituit creauit et nominauit Johannem Mar suum legittimum vicecomitem deputatum dan et conceden eidem suam legittimam potestatem ad faciendum et exercendum omnia et singula dicto vicecomiti incumben et suo officio promisitque de rato et grato cum ceteris termis et clausulis necessariis et oportunis

Special Services[1]

(29 April 1505)

Inquisicio Johannis Forbes de Petslego

Inquisicio facta apud burgum de Abirdene penultimo die mensis Aprilis anno domini millesimo quingentesimo quinto coram honorabili viro Alexandro Bannerman de Watertoun vicecomitis deputato de Abirdene in pretorio burgi de Abirdene in curia vicecomitis eiusdem pro tribunali sedente per subscriptos videlicet Alexandrum Iruyn de Drum Willelmum Fraser de Phillortht Gilbertum Hay de Ardenderaugh milites Willelmum Lesly de Balquhane Georgium Leitht de Barnys Alexandrum Skene de eodem Alexandrum Mortymer de Cragyver Johannem Ross de Auchlossin Alexandrum Caldour de Sonnaherd Johannem Gardyne de Lathers Thomam Burnat de Balmad Alexandrum Wyntoune de Andait Willelmum Johnstoun filium et heredem apparentem Alexandri Johnstone de eodem Henricum Forbes de Kynnellour et Johannem Dawgarnow of Garine Fintra Qui jurati dicunt quod quondam Alexander Forbes de Kynnaldy pater Johannis Forbes latoris presencium obiit ultimo vestitus et sasitus ut de feodo ad pacem et fidem domini nostri Regis de terris baronie de Kynnaldy cum suis pertinenciis jacentibus infra dictum vicecomitatum Et quod dictus Johannes est legitimus et propinquior heres dicti quondam Alexandri patris sui de dictis terris baronie de Kynnaldy cum suis pertinenciis Et quod est legitime etatis

1 It is believed that this and the following Services have not hitherto been printed.

Et quod dicte terre hujusmodi baronie valent nunc per annum quadraginta libras et valuerunt triginta libras tempore pacis Et quod dicte terre tenentur in capite de Suppremo domino nostro Rege per seruicium warde et releuii Et nunc existunt in manibus dicti domini nostri Regis legitime et per seipsum per spacium nouem annorum aut eocirca ratione warde per decessum dicti quondam Alexandri patris sui Datum et clausum . . . . .

(13 January 1505-6)

Inquisicio Willelmi Forbes de Towys

. . . . . Jurati dicunt quod quondam Duncanus Forbes de Towys pater Willelmi Forbes de Towys latoris presencium obiit ultimo vestitus et sasitus ut de feodo ad pacem et fidem domini nostri Regis de terris de Broddye cum suis pertinenciis jacentibus in baronia de Kynnardy infra dictum vicecomitatum Et quod dictus Willelmus est legitimus et propinquior heres dicti quondam Duncani patris sui de dictis terris cum pertinenciis Et quod est legitime etatis Et quod dicte terre cum pertinenciis valent nunc per annum quinque libras et valuerunt quadraginta solidos tempore pacis Et quod tenentur in capite de domino de Kynnardy in albafirma Reddendo unum denarium argenti annuatim Et quod dicte terre nunc existunt in manibus dicti domini de Kynnardy legitime et per seipsum per decessum quondam Elizibeth Crichtone relicte quondam dicti Duncani coniunctam infeodacionem earundem habentis a festo natiuitatis beatissime virginis Marie datam presencium immediate precedentis in defectu veri heredis jus suum hucusque minime prosequentis

(Eo. die)

Inquisicio Johannis Gordone

. . . . . Jurati dicunt quod quondam Johannes Gordone de Lunger pater Johannis Gordone latoris presencium obiit . . . de terris duabus partibus terrarum de Unnerauchsuanly et de duabus partibus de Carneargat Et de omnibus et singulis terris de Westircandopark Et de dimidietate terrarum de Newbiggine cum pertinenciis jacentibus in dauata de Auchsuanly et dominio de Strabogy Et de dimidietate omnium et singularum terrarum ville de Chapeltoun de Scheves[1] cum pertinenciis jacentibus in baronia de Scheves et de terris de Auchluchre[2] cum pertinenciis Et de terris de Bachmago cum pertinenciis jacentibus in dicta baronia de Scheves infra dictum vicecomitatum

1 Gordone seems to have sold these lands to the superior, Patrick Gordon of Methlick, in 1512 (*Ant. A. & B.* III. 70).

2 John Gordon of Auchluchry is mentioned in the *Acta Dominorum Auditorum* in 1493, p. 172.

Et quod dictus Johannes est legitimus et propinquior heres eiusdem quondam Johannis patris sui de dictis terris cum pertinenciis Et quod est legitime etatis Et quod dicte terre duarum partium de Unnerauchsuanly et duarum partium de Carnargat valent nunc per annum tres libras et valuerunt duas marcas tempore pacis Et quod dicte terre de Westircandoupark et dimidietas terrarum de Newbiggin cum pertinenciis valent nunc per annum quinque marcas et valuerunt triginta solidos tempore pacis Et quod dicta dimidietas terrarum Wille de Chapeltone de Scheues cum pertinenciis valet nunc per annum quinque marcas et valuit triginta solidos tempore pacis Et quod dicte terre de Auchluchre cum pertinenciis valent nunc per annum viginti marcas et valuerunt quatuor libras tempore pacis Et quod dicte terre de Bachmago cum pertinenciis valent nunc per annum duodecim marcas et valuerunt quatuor marcas tempore pacis Et quod dicte due partes terrarum de Unnerauchsuanly et Carnargat ac terre de Westircandopark et dimidietas terrarum de Newbiggin cum pertinenciis tenentur in capite de Roberto Caldour de Auchsuanly in albafirma per seruicium duorum denariorum usualis monete scotie annuatim Et quod dicta dimidietas terrarum de Chapeltoun de Scheves cum pertinenciis tenetur in capite de Patricio Gordone de Methlik in albafirma reddendo inde annuatim unum denarium usualis monete scotie Et quod dicte terre de Auchluchre cum pertinenciis tenentur in capite de domino de Ardendraugh per seruicium warde et releuii debitum et consuetum Et quod dicte terre de Bachmago cum pertinenciis tenentur in capite de barone de Scheves per seruicium warde et Releuii debitum et consuetum Et quod omnes dicte terre cum suis pertinenciis nunc existunt in manibus dictorum dominorum superiorum suorum per decessum dicti quondam Johannis legitime per spatium trium mensium aut eocirca in defectu veri heredis jus suum hucusque minime prosequentis Datum et clausum etc

(15 March 1506-7)

Inquisicio Thome Alex^{r}sone

Inquisicio facta apud burgum de Abirdene . . . . . per subscriptos viz Willelmum Fraser de Phillortht Gilbertum Hay de Ardendraugh Alexandrum Keitht de Ithe milites Willelmum Gordoune de Scheues Willelmum Hay de Ury Willelmum Craufurd de Federay Willelmum Lesly de Balquhane Walterum Berclay de Towy Willelmum Turing de Fouerne Andream Tulideff de eodem Jacobum Chene de Straloch Willelmum Blakhall de eodem Thomam Craufurd filium et heredem apparentem Willelmi Craufurd de Federay Willelmum Blakhale de Barrauch de Bourty et Ranaldum Oudny filium et heredem apparentem Willelmi Oudny de eodem Qui jurati dicunt quod quondam Cristina

Roger proauia Thome Alexrsone latoris presencium obiit vestita et sasita sed non ultimo ut de feodo ad pacem et fidem domini nostri regis de terris de Abirzeldy cum suis pertinenciis jacentibus infra dictum vicecomitatum Et quod dictus Thomas est legitimus et propinquior heres dicte quondam Cristine proauie sue Et quod est legitime etatis Et quod dicte terre cum pertinenciis fuerint in manibus suppremi domini nostri regis et quondam Alexandri Gordone de Mydmar militis per spacium octaginta annorum aut eocirca Et quod nunc existunt in manibus Georgei Gordone filii et heredis dicti quondam Alexandri Gordone militis Datum et clausum sub sigillo officii dicti vicecomitis deputati et sigillis quorundem eorum qui huic inquiscioni intererant faciendum anno die mense et loco prenotatis

(5 June 1507)

Gilbertus Hay de Ardendracht miles Walterus Berclay de Towy Willelmus Crafurd de Federay Willelmus Turing de Foverne Alexander Caldour de Sonaherd Willelmus Blakhal de eodem Duncanus Strachachin de Glenkyndy disserunt Alexander Skene de eodem Johannes Gardin de Durlathers Willelmus Urry de Petfeche Thomas Fraser de Stanevod Patricius Stevart de Lathers Alexander Coupland de Udauche Robertus Burnat de Balmad Johannes Dalgarnow de Dalgarnoy Fintray Alexander Cumyn de Culter et Ranaldus Oudny Jurati primi septem dicunt ut in retornato precedente de terris de Abirzedy etc Et quod dicte terre valent nunc per annum xx lib et valuerunt x lib tempore pacis Et quod tenentur de suppremo domino nostro Rege Comite de Mar per seruicium warde et reliuii etc Et alii decem jurati dicunt quod nesciunt talem mulierem Cristinam Roger neque de aliquibus terris in quibus obiit non viderunt cartam neque literam suam seu alia documenta etc[1]

(29 July 1507)

Inquisicio Elizabeth Berclay relicte domini de Fivy

The said day the said Inquest fand ande deliuerit that Elizibeth Berclay the relict of umquhile Williame Meldrum of Fivy aucht tile haue ane resonabile terce of the half of the lands of the Barony of Formartyne and of the lands of tovn of Fivy[2] ande of the lands of the Manys of

1 These two entries seem to point to a disputed and unsuccessful claim by Cristina Roger's great-grandson to the lands of Abergeldy, and this is confirmed by the fact that on 2nd March, 1505-6 a transumpt was made at the instance of the King's Advocate of a charter of the lands granted in 1358 by the Earl of Marr to Duncan, the son of Roger (*Ant. A. & B.* IV. 715 and Note).

2 By procuratory of Resignation dated 22 August, 1502, William Meldrum resigned the lands of Fyvie in favour of his son, George, reserving his own liferent and the reasonable terce of his wife, Elizabeth Berclay (*Ant. A. & B.* II. 332), following upon which George obtained Royal Charter dated 30 January, 1502-3 (*Ibid.* I. 503).

Banchquhory ande the fischings of the samyne ande of the lands of Auchneive and Ordyfork ande ane resonabill terce of the nynt fisch of the water of Ithane Ande the terce of ane quarter of the lands of Clayhills ande of the Aillhouss of Ellane toft and croft of the samyne ande of the Tempill lands of Auld Bourty Alsua the said Elizabeth aucht tile haue ane resonabill terce of the lands of Tulynabo Carnequhyne Ramoir ande Caterloche gif it be reseruit tile hir in the infeftment and charter maid of the samyne lands tile Alexander Meldrum his said infeftment being kepit to him ande gif thar be na terce reseruit scho sall haue ane resonabile of the saids lands eftir the decess of the said Alexander

(Eo. die)

Inquisicio Georgei Meldrum de Fyvy

(List of Jury.) Jurati dicunt quod quondam Willelmus Meldrum de Fivy pater Georgei Meldrum latoris presencium obiit . . . de terris de Tulinabo Carnequhyne Romoir et Cattirloch cum suis pertinenciis jacentibus in baronia de Tuliboy Et de noueno pisce aque de Ythane cum suis pertinenciis jacentibus infra dictum vicecomitatum Et quod dictus Georgius est legitimus et propinquior heres dicti quondam Willelmi patris sui de dictis terris et piscibus cum pertinenciis Et quod est legitime etatis Et quod dicte terre de Tulynabo Carnequhyne Romoir et Cattirloch[1] valent nunc per annum septemdecim marcas et valuerunt decim marcas tempore pacis Et quod dictus nouenus piscis valet nunc per annum decim marcas et valuit quatuor libras tempore pacis Et quod dicte terre cum pertinenciis tenentur in capite de domino de Litile Cultir et Tulybo in alba firma reddendo annuatim unum denarium argenti aut par cirochtherarum albarum ad festum pentecostis nomine albe firme Et quod dictus nouenus picis tenetur in capite de suppremo domino nostro rege per seruicium warde et reliuii debitum et consuetum Et quod dicte terre cum pertinenciis nunc existunt in manibus dicti domini de Litile Cultir et Tuliboy per decessum dicti quondam Willelmi patris sui qui obiit feria tercia post festum sancte trinitatis datum presencium immediate precedens Et quod dictus piscis nouenus cum pertinenciis nunc existit in manibus domini nostri regis per idem spacium ob decessum dicti quondam Willelmi patris sui in defectu veri heredis jus suum hucusque nunc prosequendi Datum etc

(2 May 1508)

Inquisicio Domini de Ogiluy

. . . . Jurati dicunt quod quondam Jacobus Dominus Ogiluy de Errly auus Jacobi Domini de Ogiluy latoris presencium obiit . . .

1 Frequent references to these lands will be found in the *Ant. A. & B.*

de omnibus et singulis terris de Auld Mydmar et Kynnerny cum suis pertinenciis excepta una marca ville de Kynnerny jacentibus in baronia de Mydmar . . . . Et quod dicte terre valent nunc per annum decim libras et valuerunt quinque libras tempore pacis et quod tenentur in capite de domino de Mydmar in alba firma reddendo inde annuatim unum denarium nomine albe firme ad festum pentecostes si petitur Et nunc existunt in manibus dicti domini de Mydmar . . . . per spacium trium annorum cum dimidio aut eo circa . . .

3 October 1508)

Inquisicio Johannis Cardny

Inquisicio facta . . . Coram nobili ac potenti domino Johanne Comite de Craufurdie domino Lindesay etc . . . per subscriptos . . . . Qui jurati dicunt quod quondam Alexander Cardny pater Johannis Cardny latoris presencium obiit ultimo vestitus . . . de totis et integris terris ville de Rouchtireicht cum suis pertinenciis exceptis et reseruatis terris de Brunehill et Wachindaill cum suis pertinenciis jacentibus in dominio de Eicht

(Present value 5 M Old value 30 s In hands of superior the Laird of Echt 16 months Holding blench for 1d yearly)

(9 April 1510)

Inquisicio Gilbert Waus de Many

Iidem jurati dicunt quod quondam Gilbertus Waus de Many auus Gilberti Waus latoris presencium obiit ultimo vestitus . . . de terris de Many . . et de terris de Estir Rowen

(Present value of Many 20 M
Old value 10 M
Present value of Rowen £10
Old value £4
Held of Crown for ward and relief
In hands of Crown 8 years by death of ancestor)

The Court of the Dawane[1]

(6 October 1506)

The said day the Shreff Assignit in the nixt Shreff Court to be haldin within the tolbutht of Abirdene the xxvii day of October instant to Johnne of Cowtis to prewe sufficiently that he fred and relevit Johnne Gillespy of his borrowgang in Sir Johnne Formannis Court of the Dawane befor Johnne of Crichtone his bailze

1 It has been thought worth while to reproduce this glimpse of the proceedings in a Laird's Court in Cromar.

(Eo. die)

The said day Thomas Bisset Mair of fee of the said Shrefdome at command of the Shref lauchfully summond warnit and chargit Johnne Crichtoun in plane court to compeir befor the said Shref or his deputs ane or may in the Shref Court to be haldin the xxvii day of October instant and to bring him his process of the Court anent the away takin of tua oxin fra Johnne Gillespy

(27 October 1506)

Deposiciones testium Johannis Couts

The said day Johnne Richerdsone deponit be his aitht that he sawe Thomas Gillespy entir Johnne Couts in Sir Johnne Formanis Court haldin one Mertimes evin be Johnne Crichtoun bailze to the said Sir Johnne Forman and askit his fadir to be fred of his borrowis And the said Johnne Couts askit ane mane to spek for him and the said Johnne Crichtoun bailze granted him a mane to spek for him the said forspekar askit ane lauchfull day becaus he was nocht warnit lauchfully and askit ward of the court tharupone quhilk bailze refert the samyne to the ward of ane assiss and the said assiss fand that he suld haue ane lauchfull day and quhat was done thareftir he knavis nocht

Johnne Donaldsone concordis witht the said Johnne Richerdsonnis deposicione in ale things

Thomas at the Myle of Westoun deponit be his aitht that he saw Thome Gillespy entir Johnne Couts in Sir Johnne Formanis Court befor Johnne Crichtoun bailze to the said Sir Johnne and askit his fadir to be fred of his borrowgang And the said Johnne Crichtoun said he knev him nocht

Johnne Adamsone concordis in ale things witht the said Johnne Richerdsonnis deposicioun

Farquhar in Grody concordis in ale things witht the said Johnne Richerdsonnis deposicioun

Johnne Kew deponit be his aitht that he saw Johnne Couts compeir in the said Sir Johnne Formanis Court befor Johnne Crichtoun his bailze bot he tuk him nocht to undirly the law that day

The Diet Books: Vol. II., 1557-60

What is bound up under this title is obviously merely the salvage from the wreck of the original volume. The earliest date found is May 26 1556 and the latest June or July 1560, but the scattered leaves have been in some instances inverted and in others bound out of date. In the subjoined Table of Contents the entries appear in the sequence in which they are actually found. The sederunts of most of the Head Courts are wanting and some are represented by fragments only, much of the writing is covered by tissue paper and a good deal of it is quite illegible. Still there is much that can be deciphered and it is quite plain that the procedure, although it cannot be altogether followed, had undergone a great change since the early part of the century. The influence and power of the Court of Session was making itself felt and litigants were availing themselves of the opportunity which it afforded of purchasing letters of advocation, for the purpose of securing a fairer trial or perhaps of adding to the laws delay, as the case might be.

The almost entire absence from this volume of cautionary obligations to enter accused persons for trial, Lawborrows and such like, suggests that already these were being recorded in another book, similar to those, a series of which under the title of Books of Judicial Enactments are found half a century later. There is only one signature—that of Gilbert Menzies on May 4th 1559—in the volume. The general appearance of the entries suggests that they are a transcript of rougher memoranda made in Court.

Historically the entries in this volume began to be penned when the French marriage of Queen Mary was about to take place, and in point of fact it contains a fragment of Royal Letters regarding the raising of money to defray the expenses of the wedding.

The reign of Francis and Mary began in April 1558, Queen Elizabeth succeeded to the English throne in November of the same

year, and when the book closes the Reformation was on the point of becoming in Scotland an accomplished fact.

Naturally there is no reference to these great public events in the Court record (beyond the matter of the marriage expenses) but there is a certain interest in recalling what was passing in the great world, when within their little circle the Sheriff Clerk and his assistants were faithfully recording the doings of their Court de die in diem.

Table of Contents of Vol. II. of Diet Books

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
Before 11 Jany. 1557-8.	Special Service.	Thomas Idill son of William Idill.	Eight bovates of the Lands of Auld Leslie, Regalitie of Garioch.
	Special Service.	Isobelle Rethe one of two nieces of Sir David Reith of Nether Corskie.	Lands of Nether Corskie and Mill of the same, with Multures of Auchtquhayht, Glak, Upper and Nether Corskie and Easter Echt, Barony of Stonywood.
	Special Service.	Jonet Rethe.	Do. do.
Jany. 11.	General Service.	John Charteris of Kinfauns.	To his father John Charteris of Kinfauns.
	List of Jury on the Inquest next following.	Thomas Menzeis of Petfoddellis. John Forbes of Brux. Alexr. Tulidef of Ranestoun. John Mortymer of Cragywar. Alexr. Burnet of Cragmyll. Robert Cultis of Auchtercoull. Alexr. Chalmer of Cultis. Alexr. Leslie of Wardres. William Forbes of Barnis. James Irwin of Petmorkye. Mr. James Stevin. Mr. George Forbes. Patrick Leyth of Crano. James King of Barraucht. Alexr. Huntar of Tulehetillis.	
	Service. Terce.	Marjorie Forbes Widow of Thomas Drumbreck of that Ilk.	Her Terce of the Lands of Drumbreck.
	Procuratory.	John Charteris of Kinfauns.	Appoints Maister Robert Lumsden, Maister Johne Kennedy, Alexr. Paip and Peter (illegible) his Procurators in action against Patrick Forbes of Corsky and all his other actions.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1557-8. Jany. 11.	Protestations.	Alexr. Burnet and John Charteris.	Cross protestations in connection with foregoing service, in regard to its effects on the parties rights in the lands and Superiority of Lumphanan.
	Protestations.	Maister Alexr. Forbes.	Protest that what has been done in the Service of Alexr. Forbes as heir to Wm. Forbes of Thanestoun his father in the lands of Kynellar be not prejudicial to his mother's rights.
	Protestations.	Maister Thomas Annand Procurator for Robert Bishop of Orknay.	The Bishop, as Tutor Testamentar of Margaret and Katherine Drumbreck objects to the foregoing Service of Marjorie Forbes, as Lady Tercer so far as it may embrace Miltown and Newlands of Drumbreck, and Alexr. Bannerman of Waltoun is Cautioner for the Bishop that he will hold firm and sure what his procurator does.
12.	Loosing of Arrestment.	Mr Matthew Lumsden.	Mr. Lumsden consents to loosing of arrestment of the corns &c. upon two holdings of Carnavarin, in so far as is necessary for food and laboring of the ground.
	Refusal to act as Procurator.	Mr Robert Lumsden.	Andro Wod of Colpnay requires Mr. Lumsden as Bailze of the Barony of Belhelvie belonging to his over lord, Lord Glammis, to act for him, in an action with Johnne Wod of Balbegno; but Lumsden refuses.
	Procuratory.	John Mortymer of Cragewar.	Appoints James King of Bourty David Mar and Williame Mortymer conjunctly and severally to act for him against Johnne Mortymer in Auquhortes and all other actions.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1557-8. Febry. 1.	Sentence of Fine on Witnesses.	Patrik Pakistoun at the Myln of Bodume, David Narne in Wranghame, Michael Leslie at the Myln of Wilzemstoun and others.	Fined £4 each for non attendance as witnesses in an action between Johnne Gardyne and George Narne and ordained to be cited of new under pane of £10.
	Letters of Advocation.	Alex. Leslie of Wardes.	A Fragment of Letters of Advocation. Reference is made to proceedings in 1556, when Leslie was assignee of Robert Carnegie of Kynnard, who was donator to the nonentries, "fermes profittis and dewties" of the "Burrow Lands of Inverurie."
	A Notarial Instrument (part of).	Alexander Fraser and Katherine Menzies.	Fragment of a Notarial Instrument in which occur the words "elegit unum bouem nigri coloris ly hummyll vulgariter the sesing ox pretium quatuor librarum usualis monete regni Scotie."[1] The Lands referred to are Kinglasser and Mill of Phillorth.
	Action of Cognition and Letters of Advocation.	William Earl Marischal and Andrew Mastir of Erroll.	Fragmentary. A Dispute about the marches of the Earl's lands of Invernettie.
1557. Novr. 19.	Letters of Advocation.	George Halyburtoun of Petcur and Maister James Halyburton his curator *v.* George Barclay of Grantullie and Sir Walter Ogilvie of Boyne.	Dispute about the marches of Lands of Sleoch.
	Action of Cognition.	Grantullie with Ogilvie and Mr Alexr Barclay his Curators *v.* Petcur and his Curator.	Letters of Advocation presented, and proceedings stayed.
1557-8. Febry. 12.	Action of Spuilzie.	James Gordoun in Easter Migvie *v.* George Forbes son of Umqll. Alex. Forbes in Easter Migvie.	Incomplete. Court held at Standing Stones of Huntlie.
1.	Action of Cognition.	Lairds of Fyvie Tolquhone and Scheves.	Continued to 17th Febry.

1 An early reference to the black polled cattle for which the County of Aberdeen has become famous: but what would a modern breeder say to the price, viz., 6/8 sterling?

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1557-8. Febry. 1.	Procuratory.	John Straquhyne of Thorntoun.	Appoints Johnne Straquhyne of Wysniestoun, Johnne Straquhyne of Tillieverd and Maister Robert Lumsden, in action against Beatrix Dunbar and all other actions.
3.	Cognition.	Andro Wod of Colpnay *v.* John Wod of Balbegno.	Marches between Colpnay and Uner Blairtoun. Mr. Robert Lumsden appears for Balbegno, after which there was a judicial reference or submission of the dispute.
5.	Procuratory.	Alex. Lyell Burrow Maister (Burgomaster) of Elsenevir (Elsinore).	Appoints procurators to pursue Alexr. Joffray Johne Fresser. and others.
	Procuratory.	John Fresser.	Do. against Alex. Lyell.
	Procuratory.	James Leslie.	Requires Mr. Robt. Lumsden to act for him and Lyell, but Lumsden refuses.
	Spuilzie.	Alexr. Lyell and his procurators *v.* Alexr. Joffray, John Fresser. John Swoillis and John Buchart	This and the three preceding entries refer to the spoliation of the hull of Lyell's ship called the "Reisbark" in 1545 and for damages. Various pleas stated, witnesses produced and continued to 12th Febry. for farther evidence.
1556. May 26.	List of Jury on two following Inquests.	Patrick Mowatt of Boquholle. James Dempstar of Ouchterless. George Creychtoun of Litil Forg. John Grant of Ballindallocht. Patrick Grant of Dalway. Alexander Con of Auchry. Ferquhar Gibsoun of Innercabok. James Grant in Moir Inshe. John M'Gillemory in Tuichley. Gilbert Tailzour in Knachnalagan. Thomas Allardes in Cammaloun. George Grant in Fynneressie. Thomas Con son of Con of Auchry. Alexander Troup.	

Diet Books: Vol. II., Contents

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1556. May 26.	Special Service.	Katherine M'Kalloine one of the two sisters of John M'Kalloine.	The two Innerernans and Edinglassie in the County of Mar.
	Special Service.	Marourie M'Kalloine.	Do. Do. Note.—Both inserted here out of date, possibly because the Court was held at the Market Cross of Turriff and not timeously reported by the special depute appointed by Lord Huntly, the Sheriff Principal.
1557-8. Febry. 17.	Action anent Terce and of Cognition.	John Straquhyne of Thornetoun and Lenturk *v.* Beatrix Dunbar.	Continued to next day in the Bishop's Hall, Old Aberdeen. One of the sitting Sheriff deputes was Lord George Gordoun.
	Action for payment. (Incomplete.)	Loke Williamson *v.* John Bissat Mair deput.	£7.—.14d.
15.	Action of Violent Occupation and Removing.	Alexr. Leslie of Wardres *v.* William Badzenocht. and other occupiers of Ruids of Land at Inverurie.	In consequence of the production of Royal Letters dated 8th Febry. procedure suspended until 10th March.
	A Jury List.	Wm. Settoun of Meldrum. Wm. Auchinlek of Schethin. Wm. Leslie of Wardreis. Thomas Meldrum of Eden. Alexr. Chalmer of Balnacrag. James Keyth of Auchquhorsk. Alexr. Leslie in Creichie. Mr. Oliver Pantoun. Alexander Paip. James Leslie, burgess of Abd. George Meldrum in Gourdes. Patrick Leslie, burgess of Abd. John Meldrum in Auchquhorteis. Wm. Chalmer in Cragcorthy. Walter Johnstoun in Innerowre.	

NOTE.—A page or pages missing here.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1557-8. Febry. 17.	Spuilzie.	Lyell *v.* Joffray.	Farther procedure.
	Three Transumpts of Instruments of Sasine. (Last of three incomplete.)	Elizabeth, Beatrix and Isobella Nore the three daughters of John Nore Portioner of Fynnarsy on Precept of Sasine by George Earl of Huntlie and Sheriff Principal of Aberdeen.	Each the "Schaddo thrid part of all and sindrie the landis of Mekill Fynnarsy with the thrid part of the myln of the same and of All and haill the thrid part landis of Litill Fynnarsy and Monecht." Notary William Settoun "Artium Professor" and Sheriff Clerk depute.
	Service. Terce.	Elizabeth Drumbreck Widow of Thomas Annand of Auchterellon.	Terce of Auchterellone, Easter Auchterellone and Mill of the same.
	Brieves of Inquest and Terce refused.	Christina Tulledef. Agnes Gordoun Widow of Wm. Forbes of Thainstoun. Elizth Bunche Widow of John Hay of Brogane Lesk. Katharine Frasser Widow of Allan Tullocht. Portioner of Moncuffer.	Assize refused to serve nor would they answer *affirmative vel negative.* Whereon the parties and their Procurators protested.
1558. April 20.	Cognition.	Straquhyne & Dunbar *Supra.*	Various productions made on behalf of Beatrix Dunbar.
	Action for payment.	Alexr. Leslie of Wardres agt. Inhabitants of Kintore.	Dispute about Toll Beir. Procurators for the Burgh accept office. Protest on behalf of Chaplain of St. Thomas Hospital. Protest by his tutor on behalf of John Chalmer.
	An order to poind.	Loke Williamson *v.* John Bissat *Supra.*	Allane Bulfurd ordered to execute poinding.
	Wrongous Intromission.	Mr. John Leslie Official of Aberdeen *v.* Alex. Lyoun.	With two crofts—one of them called "Heddonishill" in in the year 1556.
	Spuilzie.	The "Reisbark."	Farther proceedings.
	Action for payment and relief.	Alexr. Leslie Fructen-mentar of the Baronie of Leslie *v.* The free tenants.	For relief of taxation paid by him.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1558. April 20.	Transumpt of Sasine.	Elizabeth Drumbreck.	Lands of Cuikstoun in the Barony of Auchterellon in liferent. Sasine 7th April 1531 proceeding upon Precept dated 5th April 1531. Marriage provision by her husband Thos. Annand of Auchterellon.
May.	Letters of Advocation.	The Inhabitants of Kintore *v.* Alexr. Leslie of Wardres.	Leslie claimed Thanedome of Kintore and certain Toll Beir. Proceedings in Sheriff Court suspended to 6th July. The letters themselves are dated 24th May.
23.	Appointment of Sheriffs depute.	James Wentoun William Slorach & Richart Huchesone.	The Earl of Huntlie Sheriff principal sitting "Apud Monkishillok" appoints these during pleasure, probably for trial of the case which follows.
	Decree of Cognition.	Lands of Fyvie Tolquhone and Scheves. (*Supra* 1 February.)	The action was "super terras debatabiles de Monkishill et terras de Park et Tifty." It was decided in favor of Gordon of Scheves. Sheriff and deputes are stated to be acting *conjunctim et divisim.* NOTE—The first fully recorded and complete Decree at this period.
No date.	Transumpt of Sasine (Imperfect).	Alexr. Forbes of Kynnaldy.	Lands and Barony of Petsligo, half lands of Dawacht, Superiority of Grody and Lands of Coburty dated 6th November 1556.
1557. June.	Removing Absolvitor.	Thomas of Gask *v.* Jonet Forbes and Magnus Keyth her spouse.	Lands of Skalymarnoth. Held that warning should have been made on Precept of the Abbot and Convent of Deir.
	Removing Decree of.	The Earl of Huntlie *v.* Wm. Gordoun.	Lands of Auchannoquhy. Croft of Rovane in Baronie of Strabogye. Warning given conform to the New Act of Parliament.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1557. June 21.	List of Jury.	Thos. Menzeis of Petfoddellis. James Gordoun of Haldoch. John Gordoun younger Laird of Stradoyne. John Spens younger Laird of Boddum. Alexr. Rutherfurd. Thos. Chalmer of Cultis. Alexr. Con of Auchry. Alexr. Knollis. Walter Cullane. Mr. Patrick Rutherfurd. David Mar. David Menzeis. Mr. John Fraser. Mr. George Johnnstoun. Alexr. Duff.	
	Service (Imperfect).	William Leslie brother to John Leslie Fiar of Balquhane.	The Earl of Huntlie presided and the Jury are given but the entry ends at foot of a page with the words "obiit ad pacem."
No date.	Royal Letters (Imperfect).	The Queen's Marriage.	For raising a tax of £60,000.
June 15.	List of Jury.	Alexr. Gordoun of Stradoin. Alexr. Irwing of Drum. Alexr. Forbes of Petsligo. Patrick Cheyne of Essilmond Knyt. Thos. Menzeis of Petfoddellis. Wm. Setoun of Meldrum. Thos. Cheyne younger Laird of Essilmond. — Caddell of Auchsloune. Patrick Mowat of Balquholle. Andrew Keyth of Crag. Patrick Forbes of Corss. Alexr. Bannerman of Wattertoun. George Gardyne of Banchorie. Wm. Lesk of that ilk. Alexr. Con of Auchry.	
	Service.	Wm. Meldrum to his father Sir Geo. Meldrum of Fyvie.	Superiority of Lands of Eden, Mill and Fishing upon the "Dovarne," also of the Lands of Auchmull, Stirquharre Fortre and Auchnamone, in the Barony of Kynedwart, also Superiority of Darley, also Carnequhyng, Rowthmoir, Caterlocht, and Tullinabocht.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1557. June 15.	Inquest of Tutory.	George Meldrum pupil son of George Meldrum of Baldinschott.	William Meldrum his Uncle appointed.
	Protestation.	William Meldrum.	Produces three instruments of possession of Superiority of Eden, and of Darley and Jakstoun in reference to his Brieve.
	Protestation.	Thomas Meldrum of Eden George Meldrum of Jakstoun and Andrew Meldrum of Darley.	Claiming the foregoing lands by titles of later date than Wm. Meldrum of Fyvie.
	Protestation.	William Earl Marischal.	In connection with Wm. Meldrum's Service to Tullynabocht, Rowemor Carnequhyng, &c., &c.
	Protestations and Answers.	Dame Jane Gordoun Lady of Fyvie *v.* Wm. Meldrum.	Producing Instrument of Possession of Conjunct Fee of Barony of Fyvie.
	Protestation.	The Sheriff Principal.	That the Jury and not he or his deputes are to be responsible for doings in this dispute.
	Protestation.	Thomas Meldrum of Eden, George Meldrum of Jakstoun and Andw. Meldrum of Darley.	That they are not to be prejudiced by what is done between the Lady of Fyvie and her son William Meldrum.
	Wrongous Intromission. (Imperfect.)	George Gordoun in Coclaroquhye *v.* Robert Innes.	West half of lands of Tullocht. Witnesses produced and titles.
	Action for Multures.	Pat Leyth of Cumnocht, Robt. Grub and others Tenants of Rothmais.	The Defenders desire to call Alex. Leslie of Petcapill as their warrand. The Mill was the Mill of Rane.
	Protestation.	Alex. Leslie of Petcapill.	In connection with foregoing.
	Payment.	John Mortimer of Cragywar *v.* John Mortimer in Auchquhorteis.	Rents of the Quarter Lands of Lochquhell. Witnesses produced.
	Wrongous Intromission. (Imperfect.)	John Gardyne *v.* Henry Narne.	Mill of Wranghame belonging to Henry Kempt of Thomastoun and leased to Pursuer.
	Appointment of Sheriff depute for day.	Robert Oudny.	Oudny appointed for the service of the day.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1557. June 15.	Decree for Teind.	Bishop of Aberdene	The Bishops second Teind. No lands nor persons named. Decree by "Shref principall and his deputis."
	Spuilzie.	Patrik Patersoune *v.* John Johnstoun.	"Ane rowk of aittis continand tuenty bollis." ". . . price of the boll with the fodder 16/- Scots." Taken from corn yard of pursuers "Mailling of Crag." Defender repledged to Court of Regalitie of Tarves "becaus he duellit in the lands of Carnebroge."
	Submission.	Lord Forbes and James Gordoun of Lesmoir.	"Debattabill landis betuix Ballatar and Abirgardyne" Also as to "the richt or wrang of the poynding of the scheip of Johne Stewartis and restitutioun of the proffittis tharof." 15th July next fixed for Cognition.
No date.	Molestation.	Patrick Forbes of Corse *v.* James Irving William Talzeor and Alexr. Hunter tenants of Hiltoun.	Dispute about possession of Lands of Kincragy originally put down for 13th Jany. continued to 28th April again to (this day) and then to 6th October.
	Abstracted Multures.	Pat. Leyth *v.* Tenants of Rothmais.	Multures &c. Mill of Rane.
	Submission. Spuilzie.	John Gordoun Young lard of Stradoun *v.* Robert Burnet.	Burnet offers to refer the matter to the Bishop of Aberdeen.
	Procuratory.	James Irving Williame Tailzour and Alexr. Hunter.	Appoint Mr. Johnne Kennedy their procurator in their action with Patrik Forbes of Corse.
	Procuratory.	Patrik Forbes of Corse.	Appoints Mr. Robert Lumsden his procurator in the foregoing.
	Protestation.	William Gordoun of Tarperce *v.* Tenants of Abirgardyne.	Mr. Robt. Lumsden procurator for the tenants objects to the trial of the cause by the Sheriff principal or his deputes, in respect the Earl of Huntlle is "heretour of the said landis of Ballatar," which is also spelled in this entry "Ballater" as at present.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1557. Novr. 4.	Cognition of Marches.	William Erle Merschell *v.* Andro Master of Errol et e contra.	The Sheriff Depute being ripely advised "and at the command of ane writin of the Shref principallis subscrivit witht his awin hand" repels the Master of Errolls dilatory defences and appoints him to propone his peremptory defences on 8th November.
8.	Cognition of Marches.	Do.	Continued by the Sheriff depute "be vertew of his office" to Friday 19th Novr.
	Decree Arbitral.	Williame M'tin (Martin) testamentary executor of Jonet Sangster and Gilbert M'chand (Merchand).	Settlement of a dispute about the occupation of 16 roods of land "of the towne of Newburgh." Price of boll beir with fodder fixed at 26/8 Scots.
	Procuratory.	George Barclay of Grantullie with consent of Sir Walter Ogilvy of Boyne.	Appoints Mr. Robert Lui'sden (Lumsden) in their action with George Halyburtoun of Petcur and his curator.
	Protestation.	The above named.	Upon the appointment of Alexr. Lyoun as procurator for Petcur.
19.	Cognition.	Earl Marischal and Master of Erroll.	A long but incomplete Interlocutor.
		(Apparently a great gap here.)	
No date.	Protestation on an offer to refer.	Johne Fresser of New Forest *v.* John Joffray in Houssahill.	Fraser offers to refer to the Laird of Phillorth and his son and the Laird of Crag and his brother.
	Protestation.	Williame Leslie of Kirkhill.	That what is done in Cognition between Mr. John Fraser of Tollie and Wm. Lord Forbes hurt not his rights of Talzernath (?), adjacent to Druminnor and Castellhill.
	Protestation.	George Gordoun in Coclaroquhy.	To the same effect as above with regard to his lands of Blairindynnie alias "Hauch of Bogy."
	Lawborrows.	John Thomsone in Mane *v.* Alexr. Lyoun burgess of Abd.	Gilbert Menzeis son and apparent heir of Thos. Menzeis of Pitfodels is cautioner.

No date.	Assault and Blood drawing.	Thome Murray in Ferrehill *v.* Moreis Buchane in Ferrehill.	Assault on 8th Septr. 1558 which is said to be "recentlie." Evidence led in Buchan's absence and continued until 10th Jany. next.
1558-9. Jany. 5.	Letters of Advocation.	Wm. Cheyne of Straloch, John Cheyne his son and apparent heir and Mary Forbes, daughter of Alexr. Forbes of Petsligo and wife of John Cheyne *v.* William Seytoun of Meldrum.	A Dispute between the parties about their rights in the Hill of Bethelny, which Seytoun was bringing before the Sheriff of Aberdeenshire. The reasons for advocation are given in great detail but are shortly summed up as a "deidlie feid standand unrecounsalit betuix oure cousing George Erle of Huntlie our Shreff principal of oure said Shrefdome, Johnne Gordoun his sone and thair freindis allya and partakkeris . . . and the said Alexander Forbes of Petsligo his freinds and allya." Proceedings suspended until 10th February.
10.	Head Court.		Lists of Absents.
	List of Jury.	Thomas Cheyne younger of Esselmond. Wm. Cheyne of Arnage. Alexr. Buchan of Auchmacoy. Alexr. Tullidef of Ranistoun. Wm. Straquhyne of Glenkyndy. Robert Cultis of Auchtercoull. John Cheyne of Crabstoun. Alexr. Chalmer of Cultis. Alexr. Gordoun of Brakko. Mr. James Barclay of Kynnaroquhy. Wm. Ogstoun in Turref. Gilbert Mowat there. James Leslie, John Kelo, John Robertsone, Alexr. Smyth, Wm. Forbes, burgesses of Aberdene.	
	Special Service. (*Inquisiciones Speciales No. 26*).	Walter Barclay son of Patrick Barclay of Towy.	Lands of Mekill Siggait, Mill of Siggait, Lands of Towyturnochty, Baldulsy, Wodtoun, Auld myln, 14 bovates of Mekill Drumquhendill with the mill. Also North half of Drumquhendill and of Outsettis of Ardlane and Auchroddy. In non entry 2 months and 10 days. *(Compare Ant. A. & B. IV. 580.)*

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1558-9. Jany. 10.	General Service.	Walter Wod son of Andrew Wod of Fynnersy.	
	Service. Terce.	Jonet alias Donis Hay widow of Andrew Wod of Fynnersy.	Terce of all and singular deceased's lands in County of Aberdeen, finishing with these words "Et hoc ex parte umbrali earumdem p sortes in curia desuper tractatas."
	Service. Terce.	Katherine Frasser Widow of Allan Tullocht portioner of Moncuffer.	Terce of half lands of Moncuffer with fishings on the Water of Duvorne.
	Service. Terce.	Elizabeth Meldrum widow of Alexr. Gray burgess of Abd.	Terce of Hiltoun of Auchterellone, also of various crofts, roods, tenements, houses and yards in the Barony of Newburgh, which are at length described in the entry.
	Service. Terce.	Agnes Gordoun widow of Wm. Forbes of Thainstoun.	Terce of all and singular the deceased's lands fishings and annualrents in the County.
	Protestation.	On behalf of Walter Barclay on the one part and Elizabeth Forbes widow of Patrick Barclay on the other.	In connection with Walter Barclay's Service and the Widow's claim for her terce.
	Protestation.	On behalf of Elizabeth Lyoun and William Forbes her Spous.	In connection with the Brieve of Terce of Katherine Fraser widow of Allan Tullocht.
	Protestation.	Alexr. Wod son of the late Andrew Wod of Fynnersy.	In connection with his brother Walter's General Service, that there was an older brother than Walter alive but "furth of the Cuntie" and for wilful error against the inquest.
	Protestation.	Alexr. Garreaucht.	In connection with Agnes Gordoun's terce of the "Middilltoun of Petfoddellis" that it hurt not his right of the "middill pleucht" thereof.
	Protestation.	Patrick Stewart "Cheplane."	"That Agnes Gordoun's Terce hurt not his right of his tua pt. landis of Thainstoun and Foullartoun" &c. &c. and produces his Sasine.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1558-9. Jany. 10.	Discharge from office of Mair depute.	George Bissat Mair of Fee.	Discharges his son John Bissat "oppinlie in jugment to the barronis and haill Court."
	Admission to office of Mair depute.	Do.	Confirms in office Thomas Newe already nominated by the Sheriff depute.
	Decree for money.	Mr. Robert Lumsden *v.* William Straquhyne of Glenkyndy.	80 merks Scots "betuix this and the feist of pasche."
	Procuratory.	William Cheyne of Arnage and Robert Cheyne.	Appoint Mr. Robert Lumsden in all actions whatsoever.
	Continuation of Cause.	Andrew Glennie *v.* John Meldrum.	Continued by Sheriff deputes to 11th January instant "Be vertew of thar office at command of the Shref principall."
	Procuratory.	Elet. Meldrum widow of Alexr. Gray burgess of Abd.	Appoints Messrs. Thomas Frasser and John Kennedy in action against Wm. Cheyne of Arnage and Robert Cheyne.
	Transumpt of Sasine.	Patrick Stewart.	Two part lands of Thainstoun and Foullartoun dated 19th Octr. 1552. Notary Alexr. Paip.
11.	Decree (incomplete).	Mr. Wm. Fraser *v.* George Pypar.	Dispute about possession of lands of Techmury. Decree by Sheriff principal. Mr. John Fraser was Vicar of Rathin about this time. The "hendmaist day of March" is an expression occurring here.
	Action of Violence or for violent possession of Land.	Archbald Douglass of Glenbervy *v.* Alexr. Forbes, apparent heir of Thainstoun, Agnes Gordoun his mother and Agnes Tulledef widow of Henry Forbes of Thainstoun.	Pursuer as having the gift of the ward, non entries, marriage and relief of the Lands of Kynnellar and Thainstoun for two years back, seeks to enforce the removal of the defenders whom he had warned out 40 days before Whitsunday 1557. Forbes and his mother do not oppose decree but Agnes Tulledef does and produces two contracts extracted from the Consistorie books. Case continued to 5th April for proof.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1558-9. Jany. 10.	Charge to pay Liability of Mair of Fee for his depute.	Loke Williamsone *v.* John Bissat.	The Sheriff principal charges George Bissat Mair of Fee to pay for his son John, formerly Mair depute a sum due by him.
	Protestation.	The Mair of Fee.	That he alone is to execute poindings and not his deputes, and that he will be answerable for his own doings only.
	Breach of Arrestment.	Jerome Blak *v.* James Turing in Newburgh.	On 16th July 1558, there had been arrested for rent, the growing crop on certain crofts at Newburgh belonging to Jerome and tenanted by Turing. The crofts were called "The Thornehill, Chapell Croft and the Law." Crops removed in August and September. Turing absent. Case continued to 5th April for proof by Jerome.
	Spuilzie.	Andrew Glenny *v.* John Meldrum alias Marchmond Harrot (herald).	The crop of Glenny's mailing of the "Myln of Tulleielt in the Barony of Tarves. Oats with fodder valued at 10/- p. boll. Beir with fodder 20/- "James Gordoun of Haldocht balze of the regalitie of Tarves" repledged Defender to the "prevelege of the said regalite" for trial on Saturday 26th January. Alexr. Leslie, burgess of Aberdeen was cautioner that trial would be held.
	Spuilzie.	Alexr. Chalmer of Balnacrag John Abell, Yr. and Thomas Myll indwellers in the Burgh of Kintore *v.* Alexr. Leslie in Creichie and Andrew Ritchie in Tofthill.	The defenders had poinded and taken various animals belonging to Pursuers in payment of the Toll bear claimed by Alexr. Leslie of Wardres. There was produced Charter by King James V. to Alexr. Leslie of Wardres dated 1st Novr. 1540 and Sasine following thereon (Mr. Walter Leslie Notary) dated 30th May 1541. Also the Fiar of the Consistorie Court for crop 1556. Mr. J. Nicholsone appears to have been Clerk of Court.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1558-9. Jany. 10.	Spuilzie.	Alexr. Chalmer of Balnacrag John Abell, Yr. and Thomas Myll indwellers in the burgh of Kintore *v.* Alexr. Leslie in Creichie and Andrew Ritchie in Tofthill.	The pleadings (apparently lodged in writing) of Chalmer and others are entered separately.
	Action of Cognition Advocated.	Wm. Settoun of Meldrum *v.* William Cheyne of Stralocht and George Barclay of Grantullie.	Rights of commontie of the Hill of Bethelny claimed by Meldrum. Letters of Advocation dated 5th January and of the King and Queen's reign the xvii year. Proceedings stayed until 10th February.
	Protestation.	George Pypar.	In the action Mr. Wm. Fraser *v.* Pypar, Pypar protests that John Fraser of New Forest having given him certain rights is bound to warrant and relieve him in case of eviction.
Jan. 12.	Appointment of Special Sheriffs depute.	George Bissat burgess of Abd. George Bard in Auchmedden and Alexr. Leslie son to Wm. Leslie of Litill Warthill.	Appointed by Sheriff principal to try actions between Barbara Hay and James Gordoun of Creichie her husband against Wm. Lesk of that ilk, and sworn in by Andrew Fullertoun (next entry).
	Appointment of Special Sheriffs depute.	Andrew Fullertoun.	Appointed as above and sworn in by Bissat.
	Transumpt Sasine. (Almost complete.)	Alexander Innes of Ardgrane in liferent and Robert Innes "ejus filio naturali hereditarie" and the lawful heirs of his body, &c., &c.	The Lands of Tullymad "unacum terris rupibus et portubus vulgo the landis craigis and hevins de Bullersbuchan" and fishing of white fish, &c. Dated 8th February 1558-9.
1559. April 3.	Head Court. (Sederunt wanting.)		List of Absents (incomplete).

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1559. April 3.	List of Jury.	Thomas Cheyne younger of Essilmond. Alexr. Leslie of Petcapill. James Gordoun of Crehe. Wm. Leask of that ilk. Wm. Spens of Boddum. Wm. Straquhyne of Glenkyndy. Robt. Cultis of Auchtercoull. Alexr. Buchan of Auchmacoy. Alexr. Chalmer of Cultis. Alexr. Skeyne of that ilk. Wm. Cheyne of Arnage. Alex. Tulledeff of Ranistoun. Alexr. Chalmer de Balnacrag. Thos. Fraser of Belty Fraser. John Cheyne of Crabstoun.	
	Special Service.	Walter Wod son of Andrew Wod of Fynnersy.	Third part lands of Litill Fynnersy. Third part lands of Mekill Fynnersy. Third part lands of Manecht. Third part Miln of Mekill Fynnersy lying in Mar. Lands of Litill Colpnay lying in Barony of Belhelvy.
	General Service.	John Ross son of Charles Ross of Auchlossin.	
	Service Terce.	Elet. Stewart widow of Wm. Gordoun of Auchindoir.	Terce of (1) Auchindoir, Fuilzemont, Craak, Miln and Ailhouse in the County of Mar. (2) Ryne and Ardlone in the Barony of Huntlie. (3) Third part sunnylands of Wodderburne in the Barony of Drumblait.
	Service Terce. Refusal to serve.	Elet. Forbes widow of Patrick Barclay of Towy.	The Jury refused to return an answer "*Affirmative vel negative.*" The lands of which she claimed the terce were Mekill Siggait and Mill, Mains of Towy, Towyturnocht, Baldulsy, Wodtoun, Auld Mylne, 14 bovates of Mekill Drumquhendill and Mill, North half Drumquhendill, Outseats of Ardlane, Lands of Auchroddy. Her Procurator protests,

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1559. April 3.	Procuratories.	Elet. Forbes and Patrick Barclay her son.	The Widow appoints Mr. George Forbes and Andrew Keytht. The young laird appoints Mr. Thomas Fraser and Archibald Dempstar.
	Requisition to Jury.	The Sheriffs depute.	The presiding deputes require the Inquest upon their peril "to deliver *affirmative vel negative*" upon Elet. Forbes "Breif of Terce."
	Protestations.	Walter Barclay and Elet. Forbes.	Barclay produces Sasine of Mains of Towy dated 4th September, 1553, and protests that what is done in his mother's Service hurt not him. She protests that she ought to be served.
	Protestations.	Wm. Barclay and Patrick Barclay pupils and by Elet. Forbes.	Mylne and Multuris of Mekill Siggait claimed for William Barclay, Wodtoun claimed for Patrick Barclay.
	Protestations.	Walter Barclay Wm. Watsone Elet. Forbes.	Barclay claiming Baldulay in feu. Watsone claiming Auld Mylne in wadset.
	Protestations.	Walter Barclay and Elet. Forbes.	Sasine of Auchroddy, Milne of Mekill Drumquhendill and Outseat called "Jamesonis sait" dated 8th June 1555 produced on behalf of Patrick Barclay. Widow makes objection thereto.
	Protestations.	Mr. George Forbes.	Claiming to be seased in "Auldhill (Auldmill?) and Jamesonis Outsait of Drumquhendill."
	Brief of Special Service and Protestation.	John Ross son of Charles Ross of Auchlossone.	Ross presents his Brief but John Gardyne of Banchorie on behalf of Beatrix Gordoun his mother alleged that Beatrix held the lands in conjunct fee and protested against the service.
	Requisition.	John Ross son of deceased James Ross in Tullelair *v.* John Ross, apparent heir of Auchlossane.	Alleges that Auchlossin is bound by Contract to infeft him in the Lands of Carnebady.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1559. April 3.	Protestation.	Auchlossin *v.* John Ross son of James Ross.	Requiring that in terms of a clause of registration in the Contract between them, it be registered in the Books of Council and Session.
	Juror Fined.	John Mortymer of Cragywar.	Chosen to pass on Inquest, having left without being discharged, is fined.
April 5.	Judicial Submission.	James Gordoun of Creiche in name and on behalf of his wife Barbara Hay *v.* Wm. Lesk of that Ilk.	Dispute about Marches. For Gordoun's part the Arbiters were Johnne Leslie of Bolquhane, Williame Leslie of Kirkhill, Thomas Meldrum of Iden and Maister Robert Lumsden burgess of Abd. or any two of them. For Leask's part William Oudny of that Ilk, Thomas Chene Young lard of Essilmontht, Alexr. Bannerman of Wattertoun and Maister Johnne Kennedy or any two of them. Oversman Maister Johnne Leslie, Officiale of Abirdene. 1st May fixed for meeting on ground.
	Violent Occupation.	Archebald Douglass of Glenberve *v.* Alexr. Forbes Apparent of Thainstoun and Agnes Gordoun his mother.	Pursuer produces gift of the Ward &c. dated 1st March 1556-7 and precept of warning dated 22nd April 1557 and also certain witnesses. Continued to 22nd May next for Decree.
	Protestation.	Alexr. Forbes.	That he is in minority and under curatory and no curators called, and for absolvitor.
	Protestation.	James Gordoun and Barbara Hay *v.* Wm. Lesk.	Mr. Robt. Lumsden for Gordon and his wife protest that the foregoing submission be not prejudicial to the continuation of their action and that nothing is to be done until the day of continuation.
	Decree for Rent.	Monane Hog Chamberlain to Wm. Earl Marischal *v.* Thomas Irwin.	The Maills, dry multure and Customs of the Shadow half of the lands of Garlogy, and Mill lands thereof.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1559. May 3.	Cautionary Obligation.	James Leslie Burgess of Abd. for Walter Wod of Fynnersy.	To pay certain Maill and relief duty to John Leslie of Bolquhane as Sheriff depute conform to a Precept from Chancery.
4.	Cautionary Obligation.	Gilbert Menzeis Elder burgess of Abd. for Wm. Hay of Ure.	To pay to "Maister Johnne Nicholsone Chaplane of Sanct Nathalan's Chaplanrie fundit withtin the Chappell of Cowe" the rents of the "croftis, rigis and landis of his said Chaplanrie" crops 1558-1559. The entry is signed by Gilbert Menzeis.
13.	Brief of Terce.	Elet. Forbes.	Apparently an abortive diet from want of a sufficient assize, some of those absent being fined.
	Cognition.	Alexr. Forbes of Petsligo in name and on behalf of Elizabet. Forbes his sister *v.* Walter Barclay of Towie.	For fulfilment of an obligation granted by the late Patrick Barclay of Towy to Forbes of Petsligo dated 3rd January 1557-8 to infeft Elizabeth Forbes in liferent in the Sunny "half landis of Collane witht the myln outseitt" &c., &c. Continuation until 27th May for Interlocutor upon dilatory defences.
	Cognition.	Barbara Hay and James Gordoun of Creichie her husband *v.* Wm. Lesk of that Ilk.	This appears to be another dispute, on this occasion about the pursuers' rights of property and commonty in the lands of Nether Lesk, which the defender had been invading in 1555-6 and 7. Various Interlocutors adverse to Defender were pronounced. Two Sasines were produced on behalf of Pursuers dated respectively 15th Septr. and 18th Decr. 1553.
	Sentence of Fine. Absent Witnesses.	Andro Pere at the Myln of Auchterellone and Dauid Ligertwod in Tavarty.	Failure to appear in foregoing case.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1559. May 23.	List of Jury.	James Gordoun of Creichie. Alexr. Chalmer of Cultis. John Lamb of Rothe. Gilbert Menzeis senior. David Menzeis. Patrick Menzeis. Mr. Oliver Pantoun. Mr. Robert Andersone. Patrick Leslie. Patrick Molisone. Robert Molisone. John Craufurd. Alexr. Paip. Alexr. Andersone. John Wentoun.	burgesses of Abirdene "in Vetere Abirdonia."
	General Service.	Mariore Blakhall daughter of Wm. Blakhall.	
	Protestation.	Alexr. Blackhall.	Claiming to be "air mell" to Wm. Blakhall, protests that Marjorie's service be not prejudicial to him.
	Judicial Admission.	Alexr. Blakhall and James Stevin.	Admit that Wm. Blakhall died vested in certain lands in the County.
24.	Nature of Action does not appear.	John Innes *v.* Gordoun of Knokcaspak Watt Huddone and Willeame Matthewsone.	Continued by Sheriff depute to 26th May.
	Cognition.	Mr. John Fresser *v.* The Lord Forbes.	Continued by Sheriff depute to 26th May.
26.		Innes *v.* Gordoun, Huddone and Matthewsone.	Continued of consent to 27th May.
	Obligation to remove.	Patrik Oudny in Wester Corss.	From "eist quartar of Wester Corss pertaining to Willeame Hurre of Petphie (Pitfichie) and Johnne Hurre his sone."
27.	Cognition (a fragment).	Forbes of Petsligo *v.* Walter Barclay.	Continued.

(A considerable number of leaves missing here.)

A letter of Bailzerie (latter part only).	Thomas Copland of Udauch.	Dated at Turriff 10th Decr. 1556.
Verbal consent to Registration.	Do.	The Letter of Bailzerie in preceding entry.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1559. May 27.	A Spuilzie. Royal Letters of Charge to Sheriff dated 19th Jany. 1558-9.	Walter Balbin a traveller from St. Andrews *v.* John Fresser of Forrest.	Making allowance for exaggerated language, this seems to be a case of robbery with violence on 18th September, 1558. The spoliation is said to have been "be way of brigance" and Balbin is spoken of as a "puir travelour hereit" by Fraser, who on the other hand is described as "ane insolent and ryatous young man" and likely to deforce the officers of the law.
No date but after Whitsunday.	Decree Violent Occupation since Whitsunday 1559.	Barnardy Logy *v.* John Schand.	Third part Lands of Barrak lying in the Barony of Kellie. Schand pleaded that he had a title from the "Lard of Haldocht" prior to Logy's title: but this the Laird denied on oath.
	Violent Occupation. Protestation.	James Gordoun fewar of Kirktoun of Tarves *v.* Willeam Gray.	Protest by Gordoun against the Sheriff principal and deputes for continuing the case to 6th Octr. The Pursuer's warning to the Defender to remove was dated at Kellie 9th March 1558-9. Sasine dated 3rd June 1550.
	Action for price of a horse. (Incomplete.)	Alexr. Andersone in Dalrassak *v.* John Andersone in Kyldrymie.	12 merks price of a broun horss.
		(Something missing again.)	
	Violent Occupation since Whity. 1559.	Mr. John Craig persoun of Kyncardyn and portionar of Balmalie *v.* Gilbert Mowat in Turreff.	The Quarter lands of Balmalie. Sasine dated 9th Novr. 1558. Warning dated at Cragfyntre 14th March 1558-9. Decree of Removing pronounced of consent.
Octr.	Claim to lease of land.	Androw Craig in Balmalie *v.* Thomas Con second son to Alexr. Con of Auchtryle.	Quarter Lands of Balmalie said to be let by Defender to Pursuer but entry not given. Proof fixed for "Allhallowevin" vizt. the last day of Octr. instant.
	Cognition. Judicial Submission.	Thomas Meldrum of Eden *v.* John Forbes of Brux et e contra.	Disputes submitted to John Leslie of Balquhane and James Innes of Touchis and continued to Head Court on 9th January.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1559. Octr.	Procuratory.	Mr. John Chalmer in Grandone.	Appoints Alexr. Paip, Messrs. Robt. Chalmer, burgess of Abd. John Chalmer Andrew Mathew and John Kennedy in all his actions.
31.	Violent Occupation.	Thomas Fresser *v.* Wm. Quhyt in Aberdour Wm. Clerk and Elspet Strathoun in Kirktoun of Tyrie.	Shadow half Lands of Kirktoun of Tyrie. Proof of defence continued of consent to 10th January 1560.
	Violent Spuilzie.	Alexr. Bissat *v.* Mr. Gilbert Murray and John Murray.	"ane swerd and ane buklar fra the said Alexr. be vertew of his office." Probably deforcement of Mair of Fee or a depute. Continued to 29th Novr. "in hoip of appoyntment and freyndlie dress" (redress).
	Claim to Lease.	Andrew Craig *v.* Thomas Con.	Diet for Con's proof, who produced a writing and appointment between Craig and Gilbert Mowat dated 28th March 1558-9, which Craig challenged on various grounds.
	Dispute about Occupation of Land.	Thomas Con *v.* Gilbert Mowat.	Difficult to disentangle these cases. This one refers to the Sunny Quarter part Lands of Balmalie. Apparently Mowat supports Craig.

(On a blank half page here is engrossed in a different handwriting a prayer by way of humble confession of sin, after which some pages are again wanting.

No date.	Special Service. (Imperfect.)	. . . Irwin grandson of Robert (? Irwin).	Lands of Belty—Gordone held of the Earl of Huntlie for a silver penny if asked only. In non-entry for 6 months.
	General Service.	Alexr. Irwin son of Alexr. Irwin.	
	Cognition.	George Crauford of Fedderet *v.* Alexr. Forbes of Petsligo et e contra.	Continued of consent to a Court to be held on the "debatabill ground at the West callit Lethis Corce on Monnonday nixt eftir the Shref Court day eftir pasche that nixt cumis viz.: the penult day of Aprile nixt to cum." Both parties agreed that "the lard of Bolquhane be Shref depute."

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1559. Octr. 31.	Obligation of relief.	Gilbert Rob in Clochhill to John Pere in Nether Lesk.	Pere had become bound for Rob to Barbara Hay of Nether Lesk and James Gordoun her spous that whatever should be found due should be paid to them.
1559-60. Jany. 10.	Rule of Court.	By Sheriff deputes.	That all precepts must be signed by either (1) The Sheriff Principal (2) John Leslie of Bolquhane his depute or (3) by the principal Sheriff Clerk.
	Repledging.	Alexr. Stot *v.* Alexr. Thomsone in Wester Disblair.	Reason not given: but Defender was repledged to "Burrow Court of Abirdene" by Mr. Patk. Rutherford and Mr. Gilbert Murray who were sureties that he would be entered there on 15th January curt.
	Violent occupation. (Incomplete).	William Hay son and Apparent heir to Alex. Hay of Dalgaty *v.* Tenants of Brogane.	Violent profits are set forth here. Sasine produced dated 10th March 1551-2.
Febry. 1.	Marriage Contract. (Incomplete.)	William Spens of Boddam and his daughter Bessie Spens on one part and Walter Leslie fear of Largy and his father Henry Leslie, Frankten-nentar of Largy on the other part.	The Contract is dated at Dynnedeir 21st January 1559-60.
No date.	Special Service.	Alexr. Forbes son of Wm. Forbes of Thainstoun.	Quarter and eighth part lands of Thainstoun Foullartoun with the Mill &c., &c. in the Thanage of Kyntor. Also an annualrent of 35 merks from lands of Kynkell. Very special case, applicant being under lawful age. (Vide next entry.)
	Royal Letters.	Alexr. Forbes.	Dispensation allowing "of our speciale favours." the Sheriff of Aberdeen and his deputes to try Forbes' Brief from Chancellarie although in his less age and minority. Dated 28 January 1559-60.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1559-60. Febry. 1.	Discharge.	Elizabeth or Elspet Hay Widow of Patk. Ogilvy of Sligo to Alexr. Hay of Dalgaty.	The granter was one of the two heirs of line served and retoured to William Hay of Dalgaty and by this deed she grants a Discharge and a Renunciation of all her rights in the Lands and Baronies in Aberdeen and Forfarshires in favor of Alexr. Hay, now of Dalgaty. Dated 25th January 1559-60.
	Protestation.	Margaret Hay and Geo. Johnstoun her son.	That Elizabeth Hay's service be not prejudicial to them.
	Cautionary Obligation.	James Gordoun of Tulyangus for Alexr. Forbes of Thainstoun.	For a yearly payment of £20 to Elizabeth Leslie, daughter of Alexr. Leslie of Wardres, until he infeft her in conjunct fee with himself in the lands and fishings of Petfodels, which he has in wadset from Thos. Menzeis Provest of Abd.
21.	Discharge of a Spuilzie.	Andrew Reidfurd Andrew Geddes for themselves and others to James Dempstar of Auchterless.	Dempstar and one James Stewart had taken certain goods belonging to Reidfurd and the others, from the Lordship of Engze in 1555, for which Decree had been obtained in the Court of Session on 11th May 1559. Dempstar now agrees to pay 120 merks for his half of the goods and is discharged.
		(Something missing here.)	
1559. Novr. 29 (out of date).	Claim to Lease.	Craig *v.* Con.	Decree against Con ordaining him to enter Craig to the possession of the Quarter lands of Balmalie let to him.
No. date.	Violent occupation of land. (Fragment.)	James Gordoun *v.* Wm. Gray and another.	This seems to be the end of a Decree for removing and violent profits already noticed.
No date.		Meldrum of Eden *v.* Forbes of Brux *et e contra.*	This was continued to January 9th, then to this day and again by consent to Wednesday the last day of July next.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1559-60. Febry. 21.	Cautionary Obligation.	David Patre in Aquhorsk for John Forbes.	To pay to Andro Leslie 40/ before 26th June.
	Fines for Absence.	Richart Cammorane in Mongarre and Robert Myll in the Mylhill of Mongarre.	Summoned at the instance of John Leslie of Bolquhane fined 40/ each.
1560. April 24.	Payment of rent.	Christian Blenshell and Patrick Forbes of Craigtoun her husband *v.* Alexr. Cuming of Cultir.	Continued to 22nd June next.
No date.	Decree for payment of money.	Jonat Jhonstoun and Patrick Leytht of Culquhyrne her husband *v.* Sir William Jhonstoun.	106 merks as the balance of 700 merks. Sir William stated as a defence that Jonat and certain accomplices had spulzeid 1000 merks from him in August 1558; but in face of a written obligation signed by him at Caskieben for the 106 merks dated 4th August 1558, he was not allowed a proof. Payment to be made before the Feast of Nativity of St. John (24 June).
No date.	Decree for Delivery.	George Johnstoun burgess of Aberdeen *v.* Mr. John Chalmer in Grandoun.	"Twa barrellis Salmond full rede and sueit."
	Charge to find Security or for delivery.	David Fergussone.	To find security to George Quhyte for 7 merks or to deliver two horses claimed by Quhyte.
June 15.	Procuratory.	Mr. Oliver Pantoun.	Appoints Mr. John Kennedy and Gilbert Murray in all his actions.
17.	Violent occupation. Decree of Removing.	James Dempstar of Auchterless *v.* Wm. Forbes in Reidhill.	From Sunny third part lands of Reidhill in Barony of Auchterless. Dempstar's Sasine dated 7th November 1556.
	Violent occupation. Decree of Removing.	Jas. Dempstar *v.* John Cruikschank in Logy-Altoun.	A third of Pursuer's third part of the lands of Logy-Altoun lying at the Shadow part thereof in Barony of Auchterless. Dempstar's Sasine 7th November 1556.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1560. June 17.	Procuratory.	James Forbes in Fischarfurd.	Appoints Alexr. Paip and Mr. Gilbert Murray in all his actions.
	Procuratory.	James Forbes in Reidhill.	Appoints Mr. Andrew Mathow in his action against his landlord Dempstar.
	Procuratory.	James Dempstar.	Appoints Mr. John Kennedy and Archibald Dempstar in all his actions.
	Violent occupation. Two entries.	James Dempstar *v.* James Forbes.	(1) Forbes complains that he was in occupation of Logyaltoun from which Cruikshank was removed and protests that he was not called. (2) A technical objection stated by the Procurators for Forbes to the service of the Summons, the hearing of which was continued to 25th June.
18.	Procuratory.	James Dempstar and Jonat Frasser his wife.	Appoint George Leslie of Tochir, Archibald Dempstar and Mr. John Kennedy in action against Robert Cheyne and all other actions.
	Procuratory.	Robert Cheyne.	Appoints Thomas Cheyne "Young lard of Essilmond, William Cheyne of Arnage" and Mr. Gilbert Murray in all his actions.
	Violent occupation.	Jonat Frasser and James Dempstar *v.* Robert Cheyne.	Jonat, claiming to be tercer of the sunny third part lands of Tulledesk in the Barony of Kelly, seeks to remove Cheyne from possession, producing Sasine dated 13th April 1548. Cheyne produced as his title a Deed dated 24th May 1554 purporting to be granted on behalf of the pursuer, which she challenged as "fals and fenzeit." Continued to 25th June for proof of this at a Court to be held at Inverurie.

Aberdeenshire Sheriff Court

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1560. June 22.	Payment of Rent. (Not quite complete.)	Christiane Blenshell Widow of Alexr. Cuming of Cultir and Patrick Forbes of Craigtoun her husband *v.* Alexr. Cuming now of Cultir.	Christiane Blenshell had the terce of the sunny side of her late husband's lands of Cultir, &c., in virtue of a service carried through in the Reign of James V. (date not given). These she had let to the present laird who was not paying his rent. This is a Decree therefor.
		(At least one page missing here.)	
25.	Violent Occupation.	Jonat Fraser and James Dempstar *v.* Robt. Cheyne.	Proof partly led and continued to 31st July. There is a suggestion (but part of the writing is illegible), that Jonat had been married to Alexr. Buchan of Auchmacoy before she married Dempstar.
	Violent Occupation. (partly illegible.)	William Lord Forbes *v.* Gilbert Jak.	Occupation of Wodheid. Continued to 31st July.
	Violent Occupation. (partly illegible.)	George Leslie of Tochir *v.* Andrew Leslie and Patrick Thomsone.	From Lands of Tochir in the parish of Rane. The Defenders produced Assedation by the Bishop and Chapter of Aberdeen.

Illustrative Examples taken from Diet Book, Vol. II.

Actions of Spuilzie

I.

(Probably 15 June 1557)

The said day in the actioun and caus of spoulze movit and persewit be Patrik Patersoun aganis Johnne Johnnstoun anent the spoulzeatioun wrangus away takin and withhaldin fra the said Patrik be the said Johnne of ane rowk of aittis continand tuenty bollis of aittis with the fodder the price of the boll with the fodder saxtene schilling Scottis money out of the said Patrikis corne yard of his mailling of Crag lyand within the Srefdome of Abirdene. lyik as in my lord Srefis precept of Abirdene raisit tharupoun and continewit to this day at mair lynth is contenit Compeirit James Gordoun of Haldoch bailze of the regalite of Tarves and desyrit the said Johnne to be replegit to the fredome and preuelege of the Court of the regalite of Tarves becaus he duellit in the landis of Carnebroge within the Jurisdictioun of the said regalite of Tarves conforme to the auld prevelege of the said regalite Quhilk prevelege the said Sref[1] and his deputis [affirmit and grantit?] to the replegiatioun of the said Johnne to the samen And thareftir the said James replegit the said Johnne to the Jurisdictioun of the said regalite of Tarves and sett and effixit ane Court to be haldin at the toun of Tarves upoun Tuisday the saxt day of July nixt to cum for administratioun of iustice to the said Patrik in the said mater And fand Williame Settoun of Meldrum cautionar and souerte That the said Patrik suld gett ane Court and competent Juge and iustice the said day in the said mater And failzeing [tharof] to enter the said Johnne Johnstoun afoir the Sref of Abirdene or his deputis in the Sref Court of Abirdene to be haldin in the tolbuith of the samen on Setterday the last day of July nixt to cum to ansuer at the instance of the said Patrik in the said mater eftir the forme and tennour of the said precept as law will With intimatioun as efferit And the said Patrik be Maister Oliuer Pantoun his prolocutour protestit for the hiest price of victuallis gif he obtenit his causs

(No further trace.)

1. The Earl of Huntlie himself was on the bench together with John Leslie of Bolquhane, Wm. Leslie of Syde, and George Bissat burgess, stated in the sederunt to be acting "conjunctim et divisim."

II.

Curia Vicecomitatus de Abirdene tenta in pretorio eiusdem quinto die mensis Februarii anno Domini Millesimo quingentesimo quinquagesimo septimo per honorabilem virum Johannem Leslie de Bolquhane vicecomitem deputatum de Abirdene pro tribunali sedente etc

The said day James Leslie Andro Huntar Johnne Nicholsone Willm Craufurd Andro Brabner Thomas Murray and Johnne Carngyll procuratours for Alexr Lyell in Elsenewir with power to substitute Substitute Maister Gilbert Murray and Alexr Paip substitutis under thame coniunctlie and seueralie Agains Alexr Joffray Johnne Fresser Johnne Swoillis and Johnne Buchart cum cautione de rata

The said day Johnne Fresser constitute Maister George Fresser and Gilbert Collisone his procuratours coniunctlie and seueralie agains Alexr Lyell and all utheris with power to substitute and caution to keip ferme and stabill

The said day James Leslie requirit Maister Robert Lumisden to procuir for him and Alexr Lyell Agains Alexr Joffray quha refusit to do the same on the quhilk the said James tuik Act of Court

The said day in the actioun and caus of Spoulze persewit by Alexr Lyell burrow maister of Elsenewir and his procuratours in his name agains Alexr Joffray Johnne Fresser Johnne Swoillis and Johnne Buchart anent the wrangus and maisterfull hewing doun violent spoulzeatioun and away takin of the how of ane scheip of the said Alexris callit the Reisbark in the moneths of October Nouember December Januar and Februar respectiue the yeir of God ane thousand fyve hundreth fourty fyve yeiris extending to the sowme of thre hundreth markis scotis money the said how of the said scheip being lyand for the tyme undir Thomas Menzeis nethir bak gait upone the sandis within the flude mark [in] Abirdene and skaything of the said Alexr tharthrow to the sowme of Aucht hundreth pundis scotis money lik as in the said precept at mair lynth is contenit Be vertew of the quhilk precept the saidis Alexr Joffray Jon Fresser Jon Swoillis and Jon Buchart war lauchfullie summond to this day to haif ansuerit in the said mater at the said Alexr Lyellis instance and compearand all personalie in Jugment and beand accusit upone the contentis of the said precept the said Alexr Joffray be maister Robert Lumisden his procuratour denyit that part of the libell tuiching the spoulze of the how of the said schepe and as to the remanent of the libell viz the dammage and skayth libellit allegit the said Alexr had na place to persew the same Becaus the mater wes ellis adiugit

afoir the provest and bailzeis of Abirdene and producit thair decreit tharupoun of the date undecimo die mensis Aprilis anno domini millesimo quingentesimo quadragesimo octauo And siclik the saidis Jon Swoillis and Johnne Buchart denyit that part of the libell tuiching the how of the schep foirsaid and as to the remanent of the said libell allegit the said ellis adiugit as said is And as to Johnne Fresser he wes replegit to the fredome and preuilege of the lord of Sanct Johnis[1] court becaus he duelt in ane tempill land within the said burgh And thareftir the said Alexr Lyellis procuratours foirsaid producit Thomas Menzeis provest of Abirdene Gilbert Malysoun Gilbert Menzeis officiar Gilbert Menzeis marinall James Blak in Futy Johnne Bruiss Robt Aikyne Thomas Chalmer fleschar Alexr Troup maissoun Dauid Menzeis Johnne Fynne Duncan Fresser baxter James Pentland Wille Nicholl James Mair and Dauid Endeocht summond admitit and suorne in presens of the party And Johnne Abircromy Alexr Ratray Gilbert Kyntor younger Andro Bouk Thome Clube Georg Creve Alexr Moir Johnne Malysoun Alexr Sowtar baxter Willm Rust Dauid Low and Alexr Andersoun summond to this day to beir witnes in the said mater and nocht compearand And tuik furisday the sevintene day of Februar instant to preve for the secund terme of probatioun in the said mater And to mak mair diligence contrar the said absent witnes and the said partiis defendaris ar warnit tharto apud acta And the said defendaris protestit that thar be na witnes exeminit quhill thai mak thar interrogatours to exeme thame tharon

(Circa February or March 1557-8)

The said day Gilbert Collisone enterit Johnne Frasser in Jugment to ansuer at the instance of Alexr Lyell burrow maister of Elsinnewir as law requiris in the actioun and caus of spoulze of the how of ane scheip of the said Alexris callit the Reisbark as ane of the allegit comittaris tharof lik as in the precept raisit tharupoun at mair lenth is contenit quhilk Johnne Frasser wes summond afoir in the said actioun to the fyft day of the moneth of Februar last bipast and thane replegit be Johnne Cheyne tempill baillie to the lord of Sanct Johnne becaus the said Johnne duelt in ane tempill land within the burgh of Abirdene to ane tempill court to haue bene haldin upone the said tempill land quhair the said Jon Frasser duellis upone the twenty fift of Februar last bipast and becaus thair wes letters of cursing[2] cassin in that day upone the said tempill baillie that he mycht nocht do iustice in the said mater tharfoir the said Gilbert Collisone enterit the said Johnne Frasser this day afoir

1 Proving that the Knights' Templar had jurisdiction and a Court in Aberdeen at this period.

2 A step in the process of excommunication.

the said Sref deputis to ansuer at the said Alexr Lyellis instance in the mater as he that come souerte tharfor the tyme of the replegiatioun foirsaid And thareftir the said Johnne Frasser being accusit upone the contentis of the said precept denyit all spoulze of the how of the said schip as it is libellit and as to the dampnage and skayth libellit allegit the samen wes ellis adiugit afoir the provest and baillies of Abirdene And thareftir James Leslie Andro Huntar Johnne Nicholsone Andro Brebner and Johnne Carnegill procuratours for the said Alexr Lyell coniuntlie and seueralie tuik thame to preif the samen the twenty day of Aprill nixt to cum in presens of the said Johnne for the first terme quha is warnit tharto apud acta with intimatioun as efferis

(Eo. die)

The said day in the actioun and caus Intentit by Alexr Lyell and his procuratours agains Johnne Frasser lax fischar[1] to ansuer to the clame of the said Alexr compeirit the said Johnne Frasser and allegit that he aucht nocht to ansuer to his clame befoir the Sref and his deputis Becaus he wes replegit abefoir to my lord of Sanct Johnne and his baillies court as competent Juge to hyme and becaus that he fand cautioun for administratioun of Justice and for competent Juge clerk dempster and all membris of Court and Johnne Cheyne bailze templum to the said lord fensit and creat courts upone ane tempill land pertenand to Andro Feres burges of Abirdene duelland in the Schipraw of Abirdene the thrid day of Februar last was and thair offerit him to do Justice to the said Alexr Lyell and his procuratours persewaris one that ane part and the said Jon Frasser partie persewit one that uther part and protestit that in sa far as the said Alexr Lyellis procuratours producit ane instrument or prothogoll vnder the signe and subscriptioun of Shir Dauid Settoun notar quhar the said Alexris procuratours tuik instrument that the said Johnne Cheyne wes vnder cursing mycht nocht be competent Juge becaus he wes Denuncit cursit at the instance of Thomas Carnegill and accepit the said prothogoll and instrument in sa far as it maks for the part of the said Johnne and na uderwayis and allegit the said letters of cursing wes cassin in agains the said Johnne be the said Thomas at the sollistatione instance and requeist of the said Alexris procuratours quha ar till obtene dampnage and skayth in the said caus and als allegit that litiscontistatione wes maid in the said caus abefoir the said Johnne afoir the productioun of the said letters of cursing and the samen producit as said is tharfor aucht to haif ane new terme assignit to hyme for administratioun of Justice in the said mater befoir the said Johnne Cheyne Be ressoun the impediment of insufficience of the said bailze stude be the said Alexr Lyellis procuratours &c

1 Salmon fisher.

Item Secundlie adherand to the protestatione foirsaid afoir litiscontestatioun maid abefoir the said Sref depute the said Jon Frasser protestit that in cace ony of the witnes producit agains him prewis him intromettour with ony buyrdis of the schipe contenit in the clame of the said Alexr that he be nocht condamnit bot conforme to the quantitie of his intromissiouns becaus the said schype wes decernit wrack be ane sentence and decreit given abefoir agains Walter Brechyne and James in fauours of the said Alexr Lyell and his procuratours and repettis the samen decreit in modo probationis in sa far as it maks for the part of the said Johnne Frasser and na underwyis

(20 April 1558)

The said day in the terme assignit to Alexr Lyell burrow maister of Ellsinewir to preif for the first terme in the caus intentit be him agains Jon Frasser Lax fischar anent the spulze of the how of his scheipe producit Williame Gray Jon Gray Robert Gray Andro Troup Thomas Chalmer flascher James Pentland Wm Nicholl Alexr Ratray Jon Malisone Alexr Menzeis Gilbert Menzeis officiar and Gilbert Jak lauchfullie summond to this day admittit and suorn in Jugment In presens of the said Jon and als Jon Lamb pynour[1] Duncane Frassr baxster Alexr Foullar baxster Reche Wrycht George Creve and Shir Jon Blak summond to this day and nocht compearand and tuk the sext day of Junii nixt to cum be his procuratours constitute tharto to preif for the secund terme of probatioun in the said mater In presens of the said Jon and warnit him tharto apud acta with Intimatioun as efferit

(No further trace.)

III.

Curia Vicecomitatus de Abirdene tenta apud lie Standing Stanis de Huntlie duodecimo die mensis Februarii anno domini millesimo quingentesimo quinquagesimo septimo per honorabiles viros Willmum Leslie de Syid et Michaelem Menzeis vicecomites deputatos dicti vicecomitatus coniunctim et diuisim pro tribunali sedente etc

The said day in the actioun and caus persewit be James Gordoun in Eistir Migwie agains George Forbes sone to Umqll Alexr Forbes in Eistir Migwie Be vertew of our Souerane Ladies letters and my lord Srefis precept of Abirdene direct tharupone makand mentioun that quhair in ane actioun and caus persewit be the said James agains the said George tuiching the fulfilling of ane contract maid betuix him and the said James on ayther partyis for his part of the samen Quhairupoun the said James menit him to the lordis of counsall of befoir and obtenit hir grace utheris

1 Some sort of porter or scavenger. In this case probably about the harbour.

letters be thar deliuerance direct to the said Sref of Abirdene and his deputis for taking of cognitioun in the said causs and in the midtyme the said George Andro Masoun in Dawacht Williame Forbes bruthir to the said George Forbes Jonat Calder moder to the said George James Reaucht in Eistir Mygwie Johnne Elacht thar Johnne McKynning alias Litill Johnne thar Johnne Patre alias Cuthaucht thar with thar complicis upoun the tent and xxiiij dayis of Julii last bipast come to the said James houss being upoune the saidis landis of Eistir Mygwie lyand within hir grace landis of Cromar and Srefdome of Abirdene in his absence he being present within hir grace burgh of Edinburgh befoir the saidis lordis in obtening of hir grace saidis utheris letters of cognitioun And thair be thame selfis thair seruandis and complicis in thar names of thair caussing command assistence and ratihabitioun wranguslie and maisterfullie and on force be way of deid keist doun the samen to the ground and at the samen tyme reft spulzeit and away tuk the gudis and geir vnder specifeit of the awaill and prices efter followis quhilks than pertenit to the said James as his awin propir guidis and war in his possessioun within the said houss tyme of the [spoliation tharof] That is to say ane cowntar burde price four punds and within the crownis of the sone foure reiss nobillis and ten markis quhite money togidder with the said contract maid betwix ayther of thame partyis subscriuit with thair handis ane acquittance maid and subscriuit be the said George of certane sowmes guidis and geir deliuerit be the said James to him throw inlack of the quhilk redound to the said James attour the sowme of sax hundreth markis sax pair of Dowbill blankettis price of the pair threttе schilling aucht pair of dowbill schettis of small Lynning quhairof four pair war rubennit with price of the pair oureheid threttе s tuelf coddis with thair waris price of [the pece] sax s aucht penneis tua feddir beddis price of the pece fourte s thre ane of thame continand four gallons price of it sax pund [price of] the pece of the tother tua tua markis tua rakkis of irne price of the [pece] ten s tua irine speittis price of the pece ten s tua pannis price of the pece threttene s four d sax pewdir plattis price of the pece oureheid sax s aucht penneis four trunchours price of the pece thre ane dossane of treyn plaittis price of thame sax s four pewdir [dis]ches price of the pece four s ane mekill fir kist price tharof s and within the samen aucht bollis of meill price of ilk boll [fourte] s Ane uther fyr kist price tharof saxtene s and sax firlottis of malt within the samen price of the boll fourte four s ane brew [fatt] price tharof four markis ane gyle fatt price tua markis Tua standis price of the pece saxtene s Ane barrell price tharof ten s Tua oist beuris price of the pece sax s aucht penneis Tua oist crelis cowirt with ledder price of the pece ten s Tua branderit meit burdis of fyr price of the pece threttе s Ane Jak of

plate price of it pund four pair of hoiss ane of gray price tharof four markis ane uthir pair of quhite price twente four s the thrid pair of gray [tr]ewis price tharof threttene s four penneis and the feird pair of Stannyng cuttit out with taffety price of thame fifty s ane gren cussokyn coitt price tharof fourty s Ane blew coit pasmentit with silk price tharof aucht pund sax sarks price of the pece twente s aucht elne of lynning and ane half price of Ilk elne thre s Ane pair of Irne tayngis price tharof ten s Ane cruik of Irne price tua markis Ane buklar sword price tharof four markis togidder with sax cuple of tymer price tharof tuelf pund thre burdin durris bandit and hingin with Irne price of the pece threttene s four penneis tua through lokks price of the pece aucht s Ane fetter lok four Ane stand bed price twente s aucht horss harrowis price of the pece tua s four cruik saddellis price of the pece tua s ane pair of tabelis [?] price tharof threttene s four d tua sekkis price of the pece ane wardour [?] of ane bed price fourte s The skayth sustenit be

(Here fragment ends.)

IV.

10 January 1558-9)

The said day [the] Sref deputis forsaid continewit the precept of Andro Glennis and actioun and caus contenit in the same agains Johnne Meldrum Be vertew of thar office at command of the Sref principall to the xi day of the moneth of Januare instant in presens of the party persewar and of Patrik Meldrum sone and procuratour for the party defender oblegeand him de rato et grato for his said fader and the said party and procuratour ar warnit heirto apud acta with intimatioun as efferis

(11 January 1558-9)

The said day in the actioun and caus of spulze movit and persewit be Andro Glenny agains Johnne Meldrum als Marchmond Harrot[1] Be vertew of my lord Sreffis precept of Abirdene anent the maisterfull and wrangus spoliatioun wrangus away takin and withhaldin fra the said Andro of four bollis of aittis sawing estimet to tuelf bollis of aittis with the fodder the price of the boll with the fodder ten schillings And of ane boll of beir estimet to ten bollis of beir with the fodder price of the boll with the fodder tuenty schillings Scotts money growand on the ground of the said Androwis Malling of the Myln of Tullealt liand in the baronie of Tarves within the Srefdome of Abirdene And sawin be the said Andro tharupoun of the crope last bipast and spulzeit fra the said Andro be the said Johnne and his seruandis and complices in his name etc furth of the said Androis mailling forsaid liand as said is quhair thai wer growand

1 Herald.

for the tyme in the moneth of August last bipast perteining to the said Andro as his awin propir beir and aittis and than being in his possessioun upoun his said mailling lik as in the said precept at mair lenth is contenit Be vertew of the quhilk precept the said Johnne Meldrum wes lauchfullie summond to the fift day of October last bipast to haue ansuerit at the instance of the said Andro in the said mater And than the said Actioun and caus wes continewit to the tent day of Januar nixt thareftir and out of that day to this day And this day comperit James Gordoun of Haldoch balze of the regalitie of Tarves within the quhilk regalitie the said Johnne remanis and be vertew of the quhilk regalitie replegit him to the court and prevelege of the said regalitie and effixt and sait ane Court to be haldin be him at the towne of Tarves on Setterday the xxj day of Januar instant for administratioun of iustice in the said mater And fande Andro Leslie burges of Abirdene cautioun that he suld haue ane court the said day and place with sufficient Juge and all membris of Court effeirand tharto and iustice as effeirit And failzeing tharof to entir the said Johnne Meldrum agane afoir the Sref of Abirdene or his deputis upoun the said day of Aprill nixt cumis to ansuer at the instance of the said Andro in the said mater according to iustice

V.

(11 January 1558-9)

The said day in the actioun and caus of Cognitioun of Spulze movit and persewit be Alexr Chalmer of Balnacrag Johnne Abell younger and Thomas Myll indwellaris in the burgh of Kyntor agains Alexr Leslie in Creichie and Andro Riche in Tofthill Be vertew of our Souerane Ladiis letters and my lord Sreffis precept of Abirdene direct tharupoun Anent the spulzeing fra the saidis Alexr Chalmer Johnne Abell and Thomas Myll Be the saidis Alexr Leslie and Andro Riche of the gudis eftir following respectiue That is to say fra the said Alexr Chalmer of tua ky the price of the pece fyve marks fra the said Jon Abell ane gray horss the price fyve pundis and fra the said Thomas Myll of ane young brandit quyak of ane yeir auld and ane half the price tuenty sax schilling aucht penneis Scottis mone furth of thar duellingis and landis within the fredome of the said burgh of Kyntor lyand in the Srefdome of Abirdene upone the tent day of Januar the yeir of God 1557 yeiris than pertening to the saidis Alexr Jon and Thomas respectiue as thar awin propir gudis and geir and than being in thar possessioun respectiue within the fredome of the said burgh of Kyntor and withhalding of the samen fra thame respectiue with the proffeitteis tharof sene the tyme of the said spoliatioun wranguslie lik as in the saidis letters and precept direct tharupoun at mair lenth is contenit Be vertew of the quhilk precept bayth the saidis partiis war lauchfullie summond to haue comperit afoir my lord Sref of Abirdene

or his deputis in the Sref Court of the said Srefdome haldin in the tolbuyth of the said burgh of Abirdene upoun the fift day of the moneth of October last bipast to haue hard and sene cognitioun takin in the said mater upoun the quhilk fift day of October bayth the saidis partiis compeirit personalie in Jugement afoir Williame Leslie of Kirkhill George Bissat and Andro Foullartoun Sreff deputis of the said Srefdome coniunctlie and seueralie for the tyme[1] And thair the saidis Alexr Leslie and Andro Riche being accusit upoun the contentis of the said precept thai be Maister Robert Lumisden thar procuratour under protestatioun nocht grantand ony wrang valour nor prices of the gudis libellit grantit the intromissioun of the gudis aboue specifiit and allegit thai had done na wrang in the intromitting tharwith bot intromittit with the same be ane iust titill and ordoure of law and offert thame to preiff the same in forme of law and desyrit ane terme tharto And the Sref deputis forsaid assignit thame than Wednisday the levint day of Januar nixt thareftir viz this instant day to preiff the samen peremptourlie In presens of the said Chalmer Abell and Myll And Maister Thos Fraser than prolocutour for the said Chalmer Abell and Myll accepit the confessioun of the saidis Leslie and Riche safar as it makis for thame et non alias aliter neque alio modo and protestit in caice thai preif nocht the said exceptioun for ane condampnatour upoun the haill contentis of the libell Et quod habeatur pro confesso And thareftir comperit this day in Jugement afoir the said Sref principall and his deputis afoir writtin the said Maister Robert Lumisden procuratour for the said Alexr Leslie and Andro Riche And thair in presens of the saidis Alexr Chalmer Johnne Abell and Thome Myll and the said Maister Thomas thar prolocutour forsaid producit ane Chartour maid to Alexr Leslie of Wardres be umquhill King James the fift of gude mynd quhom God assoilze under his greit seill upone certane few landis liand in the regalite of Garreauch and Thayndome of Kyntor within the Srefdome of Abirdene and upone the toll beir of Kyntor liand within the said Srefdome of the dait primo die Nouembris anno domini millesimo quingentesimo quadragesimo togidder with the said Alexris instrument of sesing tharof of the dait penultimo die mensis Maii anno domini millesimo quingentesimo quadragesimo primo under the signe and subscriptioun of Maister Walter Leslie notar publik And als ane precept of poynding of the said Alexr Lesleis of Wardreis direct to the said Andro Riche his officiar to poynd the saidis Chalmer Abell and Myll for certane toll beir contenit in the samen respectiue of the dait the saxtene day of December the yeir of God Ane thousand five hundreth fifty seven yeiris poyndit and execute be the said officiar upoun the tent day of Januar the yeir of God Ane thousand fyve hundreth fifty sevin yeiris togidder with the feir of the consistorie of

1 These were evidently specially chosen with a view to elide pleas of relationship, &c., &c.

Auld Abirdene maid upon the victuallis of the diocy of Abirdene of the crope the yeir of God Ane thousand fyve hundreth fifty sax yeiris subscriuit with the hand of Martin Howesone scribe of the said consistorie for the tyme And protestit for ane absoluitour And thareftir the said Sref principall and his deputis afoir writin Being riply and at lenth awisit with the saidis productis and with the ressouns and allegatiouns proponit maid and allegiit for the part of the saidis Chalmer Abell and Myll in the contrar eftir lang and mature consultatioun maid and had be thame tharintill FAND pronuncit and decernit that the said Alexr Leslie in Creiche and Andro Riche in Tofthill had done na wrang in the intromitting with the gudis afoir specifiit Bot intromittit with the samen be iust titill and comprising and ordour of law And tharfor absoluit the said Alexr and Andro of all spulze of the gudis aboue mentionat and of all proffeitis of the samen purelie and simplie for evir On the quhilks the saidis Alexr and Andro tuk act of Court and instrument

Heir follouis the Reply producit for the pairt of Alexr Chalmer of Balnacraig Johnne Abell Merchand and Thome Myll to the peremptour exceptionis producit and allegit for the pairt of Alexr Leslie in Creichie and Andro Riche tennentis and seruandis to ane honoll man Alexr Leslie of Wardres

IN PRIMIS the said Alexr Chalmer and his collegis forsaid protestis for ane condampnatour in the actioun of Spulze movit be thame agains the foirsaidis personis defendaris respectiue That the allegit tytill of Alexr Leslie of Wardress producit for ane pairt of thair deffenssis and probatioun tharof maks na mentioun of ony exactioune or dewetie nor tolbeir to be liftit or rasit of the burgh of Kyntor or ony pairt tharof nor na word of burgh contenit tharin And in respect that the said burgh of Kyntor wes ane fre burgh haldin of the King (within the quhilk the rudis pertenand to the said Alexr Chalmer and his complices lyis) And in respect that thair is thre Kyntorris viz the thayndome the barony and the burgh and na mentioun nor specificatioun maid of the rudis of the burgh of Kyntor quhilk is necessar of the commond law gif thai requerit ony exactioun of tolbeir mycht be requirit of the rudds of the said burgh of Kyntor be vertew of the said infeftment Be ressoun ane fre burgh can nocht be thrall till ony annuall exactione or dewete without the same wer expreslie specifiit in thair awin infeftment or sum uder elder titill precedent the same gif ony pretendit entres tharto And gif tolbeir wer pairt of ony of the thre Kyntorris nocht specifeand the burgh per expressum It is and the persewaris allegis that the tolbeir allegit in thair infeftment aucht to be tane up of the thayndome quhairin the said Alexr Leslie is infeft and na utherwayis

ITEM SECUNDLIE the persewaris allegis the pairty aduersour hes noder allegit sufficient titill be ressone forsaid nor yit pruvyne sufficient ordour in respect that thair allegit poynding is maid (gif ony thair wes) apone sowmes of beir onevikkit in ony court or befoir ony Juge competent quhilk aucht nocht to be done of the commound law without it hed beyne evikkat liquidat and bot nocht grantand that thai hed power to haue poyndit the quhilk the persewaris awyiss denyis that ony sic powar thai hed for gif it war lesum till ony man to poynd upone his awne allegeance nocht makand na titill knawin nor prevand ony liquidat sowme nor obtenand ony sowme illiquidat befoir ane Juge competent Thairon this inconuenienc suld cum that upone ony mannis allegeance without evictioun or liquidatioun mycht poynd at thar awin hand without ony ordour or titill as the persewaris allegis the defendaris to haif done presentlie in this actione

ITEM Alexr Chalmer Johnne Abell and Thomas Myll protestis for ane condampnatour in the actione of Spulze intentit be thame agains Alexr Leslie in Creichie and Andro Riche Be ressone the said Andro poyndit the gudis mentionat in the persewaris libell thai beand within the burgh of Kyntor and fredome of the same quhair he had na power to streik ane vand be vertew of the precept producit for thair defenssis nor na uder way

VI.

(Entd in Diet Book 27 May 1559)

Francis and Marie be the grace of God King and Queen of Scottis Dolphyn and Dolphynes of Vioneiss to our louits Wm Barre Alexr Gordoun Alexr Bissat . . . . . our Srefis in that pairt coniunctlie and seueralie specialie constitut greting forsamekle as it is humlie menit and schawin to us be our louit Walter Balbine induellar in the cite of Sanct Androwis ane [puir] travellar that quhair the lordis of our counsall hes direkit and deliuerit that Johne Fresser of Forrest hes done wrang in the maisterful and violent spoliatioun under silance of nycht be way of brigance revin away takin and withhaldin fra the said Walter within the the oistlair house of frank furth of his bosum of his coitt betwix his dowblait and [his] coitt of his purss and in the samyne the sowme of four scoir of [crownis] of gold weicht in tyme of hervist and vacance upone the xviij day of September last bipast Ilk crowne [exten]ding to xxiiij s mone of our realme and tharfor ordanit [him to] restoir and deliuer to the said Walter agane crownis of gold of weicht or the prices tharof foirsaidis becaus the spulzie being provin sufficientlie the awaill and quantite was refarrit to the said Walter Balbine ayth And he maid fayth that the said Jon Fresser of Forrest spulzeit and reft fra him four scoir crownis of gold of weicht lik as was

cleirlie understandin to the said lordis and als hes decernit and ordanit the said Jon Fresser of Forrest to refound content and pay to the said Walter the sowme of auchtene punds money foirsaid taxit and modefeit be the saidis lordis as for the costis and expenssis maid and sustenit be him in persuit of the said actioun as at mair lenth is contenit in ane decreit maid and gevin be the saidis lordis tharupone conforme to the qnhilks the said Walter Balbin obtenit our uthir letters be deliuerance of the saidis lordis to compell poind and distrenze the said Jon Fresser of Forrest his landis and mak prising of his reddiest gudis and failzeing of his movabill gudis to apprys his landis conforme to our Act of Parliament To the awaill and quantitie of the sowmes of money respectiue aboue writtin and mak the said Walter Balbin to be payit tharof conforme to the said decreit As our saidis uthir letters beris And it is of verite that the said Johnne Fresser is ane Insolent and ryatouss young man and will deforce and stop our saids officiaris in poinding of his gudis and putting of our saidis uthir letters to executioun upone him Sua that the said Walter Balbin being ane puir travelour hereit be him as said is sall na wyiss get payment of the sowmes foirsaidis contenit in the said decrete without the saidis lordis provide remeid thairin as is allegit Oure Will is heirfoir and we charge yow straitlie and commandis that incontinent thir our letters sene ye pas and in our name and authoritie command and charge our traist cousing and consalor George Erle of Huntlie our Sref principall of our Srefdome of Abirdene and his deputis to put the said decreit to dew executioun in all poyntis eftir the tenour tharof within xij dais eftir he be chargit be yow tharto under the pane of payment of the samyne of thar awin propir gudis As ye will ansuer to us tharupone . . . . Gevin under our signet at Edinburgh the xix day of Januar and of our Regnne the first and xvij yeiris . . . .

VII.

(17 February 1559-60)

At Abirdene the xxj day of Februar the yeir of God ane thousand five hundreth fifty nyne yeiris It is appointit betuix ane honorable man James Dempstar of Auchterles on that ane pairt and Andro Reidfurd and Andro Geddes for thame selffis and in name and behalf of Andro Chapman James Reidfurd Isobell Geddes Margaret Symsone Johne Youngsone takand the birding one thame and oblesand thame that thai sall hald firme and stabill in maner following That is to say forsamekill as the saidis Andro Geddis and Andro Reidfurd and utheris thar foirnemit collegis hes obtenit befoir the lordis of our Souerane Ladiis consall ane decreit contrar the said James Dempstar and Alexr Stewart for the spoliatioun and away takin of certane gudis and geir fra the saidis personis furth of the lordschip of Engze in the yeir of God Ane thousand

fyve hundreth fifty five yeirs quhilk decreit was gevin at Edinburgh the xj day of May the yeir of God Ane thousand fyve hundreth fifty nyne yeiris Nochttheless the saids Andro Reidfurd and Andro Geddes for thame selffis and in name and behalf of the foirsaidis personis thar collegis takand the burding on thame for ressonabill caussis moving thame and in speciale for the payment of the sowme of money under writin exoneris quytclaimis and dischargis the said James Dempstar of Auchterles his airis executours and assignais of all sowmes of money gudis and geir obtenit contrar the said James Dempstar for his pairt of the said spoliatioun and contenit in the said decreit Als weill the principall as excrescentis and expenssis contrar him for the same And siclik of all spulze of ony gudis and geir maid be the said James contra the personis foirsaid or ony of thame afoir the day and dait heirof and oblegis thame nevir to persew the said James nor ony utheris his seruandis at the saidis personis instance for the contentis of the said decreit or ony actioun or expenssis that may follow tharupone except Alexr Stewart alanerlie and the saidis Andro Reidfurd and Andro Geddes bindis and oblegis thame to warrand and keip the said James and his seruands skaythles at thar said collegis handis for the contentis of the tane half of the said decreit and all that ma follow tharupone and obtene ane sufficient exoneratioun fra thar collegis and deliuer to the same James on the same betuix the dait heirof and the feist of lammes nixt cumis for the quhilk exoneratioun and discharge the said James Dempstar of Auchterles Alexr Gordoun burges of Abirdene and Johne Dempstar in Knokleyth cautionaris for the said James with him self coniunctlie and seueralie bindis and oblegis thame thar airis executours and assignais to content and pay to the said Andro Reidfurd and Andro Geddes to thame selffis and in neme of thar foirsaidis collegis the sowme of sax scoir marks at the termes onder writin viz the sowme of fourty marks betuix this and the tent day of Merche next cumis and uther fourty marks at the feist of lammes nixt thareftir in saxtie yeiris and the thrid fourty marks at the feist of pasche in the yeir of god ane thousand fyve hundreth saxtie and ane yeiris in haill and compleit payment of the said sowme and exoneratioun and contentatioun foirsaid And for obseruing and fulfilling of this present contract the saidis pairteis and foirnemit souerteis ar content this present contract be insert and registrat in the Officialls and Sreffis buiks of Abirdene respectiue and haif the strenth of ane confessit act and decreit respectiue And letters of poynding and cursing to be rasit tharupone as neid beis And the said James is becum souerte to releif his saidis cautionaris of the premissis onder the panis of poynding and cursing In Witnes of the quhilks the saidis pairteis and souerteis hes subscruit thir presentis with thar handis day yeir and place foirsaid Befoir thir witnes Maister Andro Leslie prebendar of

Ellone George Leslie of Tochir Robert Dempstar and Maister Johne Chalmer with utheris diuerss Et sic subscribitur James Dempst of Auchtles with my hand Johne Dempst Caution with my hand Andro Reidfurd with my hand Alexr Gordoun with my hand at the pene led at my command be the noter under writin Andro Geddes with my hand Ita est Magr Willus Setoun notarius publicus de mandato dicti Alexri ad hec manu propria

VIII.

(Circa May or June 1560)[1]

The said day in the actioun and caus movit and persewit be Jonat Johnstoun and Patrik Leyth of Culquhyrne hir spous for his entres be vertew of my lord Shrefs precept of Abd Makand mentioun that Sir William Johnstoun obligit him be the fayth and treuth of his body to haue payit to the said Jonat and hir curatours in hir name the sowme of five score sex marks Scotts money in haill and compleit payment of seven hundreth marks like as in the said precept at mair lenth is contenit Compearand the said Sir Wm Johnstoun personalie in Jugement with his prolocutour Alexr Paip proponit peremptourlie that the said Jonat Johnstoun with certane hir complices spulzeit the said Sir William in the moneth of August yeir of God ane thousand fyve hundreth fyftie and aucht yers of the sowme of Ane thousand marks Scotts money and sua allegit hir to be recompansit of the said sowme of fyve score sax marks and that but preiudice of the remanent of the said thousand marks and protestit that the said Jonat nor hir spous forsaid suld nocht be hard in Jugement unto the restitutioun of the sowme allegit spulzeit And allegit that tam de jure quam de praxi spoliatus ante omnia venit restituendus and desirit ane terme to preif the samen And compearand the said Patrik Leyth for him and his said spous with Maister Johnne Kennedy thair prolocutour allegit that the said Sir William mycht nocht allege that Spulze be way of peremptour exceptioun bot be actioun to be intentit and protestit that the said exceptioun suld nocht be admittit in this caise and for process And thaireftir the said Shreffs deputts being riplie aduisit repellit the said peremptour exceptioun as it was proponit pro loco et tempore and decernit the said actioun and caus to the saids Jonat and Patriks probatioun Quhilks instantlie in Jugement producit the said Sir Williams obligatioun subscriuit with his awin hand upoun the said sowme of fyve score and sax marks money forsaid of the date at Carskybeine the fourt day of August yeir of God Ane thowsand fyve hundreth fifty and aucht yers affermit and recognoscit be the said Sir William And decernit and ordanit the said Sir William Johnstoun to

1. This is in form an action for payment but the real interest lies in the Spuilzie which was stated as a defence.

refound content pay and deliuer the said sowme of fyve score sex marks money forsaid betuix the date herof and the fest of nativitie of Sanct Johnne nixt hereftir callit Mydsymmer and ordanit precepts to be direct to poynd and distrenze for the samen gif neid war quhairon . . . etc

Advocations to the Court of Session

I.

Curia Vicecomitatus de Abirdene tenta in pretorio eiusdem decimo nono die mensis Nouembris anno domini millesimo quingentesimo quinquagesimo septimo per honorabiles viros Johannem Leslie de Balquhane et Georgium Bissat burgen de Abirdene vicecomites deputatos de Abirdene coniunctim et diuisim pro tribunale sedente etc

The said day in the actioun and caus of cognitioun mowit and persewit be George Berclay of Grantullie Walter Ogilby of Boyne Knyt and Maister Alexr Berclay his curatours for thar interes agains George Halyburtoun of Petcur and Maister James Halyburtoun his curatour for his interes Anent the said George Berclais predecessours and his possessioun of the landis of Sleoch witht thar pertinentis and tennentis in thar names respectiue liand withtin the Srefdome of Abirdene [within] certane boundis methis and merchis limit in our Souerane ladeis letters and allegit molestatioun maid be the the said George Halyburtoun and his tennentis and seruandis of his landis of Dummoy to the said George Berclay in his possessioun of his saidis landis of Sleoch lik as in our Souerane ladeis letters and my Lord Srefis precept of Abirdene [direct] tharupoun at mair lynth is contenit Be vertew of the quhilks [precept] baytht the saidis partiis and thar curatours foirsaid for thar interes [war] summond to this day to heir and se cognitioun to be [takin in] the said mater And the said George Berclay and Walter Ogilby of Boyne Kynt his curatour foirsaid compeirand personalie in jugement witht Maister Robert Lumisden thar prolocutour And the said George Halyburtoun and Maister James Halyburtoun his curatour [for his interes] compeirand be Alexr Lyoun thar procuratour in the said mater be thar procuratorie producit in Jugment under thar seilis and subscriptionis of thar handis admittit in Jugment quha accepit the office of procuratioun one him in the said mater And thareftir compeirit Adame Fergussoun Sref in that pairt be vertew of our Souerane Ladeis letters specialie constitute And thair be vertew of our Souerane Ladeis letters and in her Grace name and authoritie commandit and chargit the said Sref deputis to continew the said court quhill the tuente day of the monetht of December nixt cumis And summond the said

George Berclay and Shir Walter Ogilby of Boyne Knyt and the said Sref deputis to compeir befoir the lordis of our Souerane Ladeis Counsale at Edinburgh or quhair it sall happin thame to be for the tyme the aucht day of the monetht of December nixt cumis in the houre of caus witht continewatioun of dais bringing witht thame the said letters of cognitioun and precept direct tharupoun to be sene and considerit be the said lordis and to heir and se the Sref of Abirdene and his deputis to be dischargit of all proceding in the said actioun and caus foreuer At the leist to heir and se the said mater advocat to the said lordis for the caus contenit in the said letters and utheris to be proponit and allegit be the said George Halyburtoun and in his name and behalf the said day and place witht continewatioun of dais Dischargeing the Sref of Abirdene and his deputis utherwyis of all proceding tharintill and of thar office in that pairt quhill the said tuenty day of December nixt cumis lik as in the saids letters at mair lynth is contenit Quhilk charge the said Sref deputis obeyit and continewit the said courte to the said tuente day of December nixt cumis conforme to the said letters to the court to be haldin withtin the tolbuith of Abirdene and warnit the said George Berclay and his curatour an als the said Alexr Lyoun procuratour for the saidis George Halyburtoun and Maister James Halyburtoun tharto apud acta witht intimatioun as efferit And ordanit the said letters to be insert in the buiks and causit ane mair depute viz Allane Bulfurd to warne all the witnes contenit in the indorsatioun of the said George Berclais precept that war summond to this day to the said tuente day of December to beir witnes in the said mater under the panis contenit in the said precept

(15 November 1557)

(The Letters of Advocation)

Marie be the Grace of God Quene of Scotis To our Louittis Adame Fergussoun Williame Leslie Alexr Lyoun Oure Shreffis in that pairt coniunctlie and seueralie specialie constitute greting Forsamekill as it is humblie menit and schawin to us be our louit George Halyburtoun of Petcur and Maister James Halyburtoun [his] allegit curatour for his interes That quhair George Berclay of Grantulie Walter Ogilby of Boyne Knyt and Maister James Berclay his curatouris hes our utheris letters be deliuerance of the lordis of our Counsale direct to our Sref of Abirdene and his deputis to tak cognitioun gif he and his predecessours hes bene in possessioun of the landis of Sleocht witht the pertinentis be [certane] boundis methis and merchis withtin the quhilks he hes includit ane grite pairt of the said George Halyburtoun of Petcurris landis of Dummoy And [maist] wrangouslie molestis and trublis the said George Berclay tharintill as at mair lynth is contenit in the saidis letters Conforme

to the quhilk the said Sreff hes directit his precept and summond the said George Halyburtoun to compeir befoir him and his deputis the xix day of Nouember instant to heir and see Cognitioun takin in the said mater And than intendis to proceid tharintill Howbeit in veritie [this same actioun] inter easdem partes super eadem re et eodem modo [wes] persewit befoir our said Sref and his deputis of befoir wranguis and partiale decreit and rolment of said George Halyburtoun quhilk he hes gottin as thair decreit schewin befoir the saidis lordis proportis In respect of the quhilk the said Sref and his deputis can nocht be Juges competent to the said George Halyburtoun specialie in this caus And forther efter geving of the saidis lordis decrete of reductioun he obtenit our uthires letters witht our said Sreffis precept tharupoun to tak Cognitioun upoun his possessioun of his saides landis of Dummoy and boundis tharof and causit execute the same to the Michelmes Courte last bypast quhilk desertit and na thing done tharin the said day be reasoun of the Army[1] Quhairfoir he requirit our said Sref and his deputis to affix him new day quha ansherit thai wald affix nane bot the Courte on Sanct Thomas Evin And nochtwithtstanding continewand in thair auld partialite hes affixit to his aduersair ane courte within the same to be haldin the xix day of Nouember instant sua that gif thai be sufferit to proceid heirin Thay will nocht failze to gif ane uthir wranguis and partiale decrete agains the said George Halyburtoun and draw him of new to the cummeris[2] and expenssis of the reductioun tharof To his hevy dampnage and skaytht as is allegit Oure Will is heirfoir and we charge yow that ye lauchfullie summond warne and charge the said George Berclay and his saidis curatouris and our said Sref and his deputis To compeir befoir us and our Counsale at Edinburgh or quhair it sal happin us to be for the tyme the aucht day of December nixt to cum in the hour of caus witht continewatioun of dais Bringing witht thame our saidis uthiris letters and precept to be sene and considerit be the saidis lordis And to heir and see our said Sreff and his deputis dischargit of all proceding in the actioun and caus foirsaid foreuir At the leist to heir and see the said mater aduocat to the saidis lordis for the caussis foirsaidis and uthiris to be proponit and allegit be the said George Halyburtoun in his name and upoun his behalf the saidis day and place witht continewatioun of dais and forder to ansher at his and his said allegit curatours instances in the said mater in sa far as law will witht intimatioun to the foirsaidis personis as efferis Attour that ye in our name and authorite command and charge our said Shreff and his deputis to continew thair Courte to be haldin be thame in the said mater quhill

1 The reference here is to the army collected by the Queen Regent at Kelso in her attempt to force a war with England.

2 Burden.

the tuenty day of the said monetht thareftir that the saidis lordis may ministrat iustice heirin in the mene tyme dischargeing thame uthirwais of all proceding tharintill and of thair offices in that pairte quhill [the said] day according to iustice As ye will ansher to us tharupoun The quhilk to do we commit to yow coniunctle and souralie [our full]*power be thir our letters delieuring thame to yow dewlie execute [and indorsat] agane to the berar Gevin under our Signet At Edinburgh the xv day of Nouember And of oure Regnne the fiftene yeir

Ex deliberatione dominorum Consilii

II.

Curia Vicecomitatus de Abirdene tenta in pretorio euisdem decimo quinto die mensis Februarii anno domini millesimo quingentesimo quinquagesimo septimo per honorabilem virum Johannem Leslie de Bolquhane et Michaelem Menzeis vicecomites deputatos dicti vicecomitatus coniunctim et diuisim et pro tribunali sedente etc

The said day in the actioun and caus mowit and persewit be Alexr Leslie of Wardres Cessionar and Assignay to ane Honoll man Robert Carnegy of Kynnard Knycht donatour to our Souerane Lady the Queenis grace haifand be gift of hir hienes witht awiss and consent of hir derrest cousing and tutour James Duike of Chatalaralt Erle of Arrane Lord Hamiltoun Protectour and Gouernour of hir realme for the tyme the nonentres maillis fermes proffeittis and dewiteis of the landis callit the commoun landis uthirwiss the burrow landis of Innerowre lyand at the Weist North and the North West pairtis of the said toun of Innerowre withtin the Srefdome of Abirdene Lik as in the Letter of Gift under the preve seill and letters of Cessionarie and Assignatioun maid to the said Alexr tharupone be the said Robert under his seill and subscriptioun at mair lenth is contenit agains Williame Badzenocht sone to umquhill James Badzenocht Alexr Maky Dauid Innes Katherine Blakhall als Coup Williame Robertsone Jon Tailzeour Patrik Allirdes Johnne Ra Jon Ronnaldsone Jon Tailzeour Walter Johnnstoun Jon Williamsoun Jon Robertsone Thome Fergus and Johnne Johnnstoun Be vertew of my lord Srefis precept of Abirdene direct tharupone for the wrangus and violent occupatioun of certane rudis landis yardis bigingis and tenementis lyand withtin the said toun of Innerowre Ilk ane for thair awin pairt respective Sene the feist of Witsonday in the yeir of God Ane thousand fyve hundreth fifty sax yeiris And tha and ilk ane of thame beand lauchtfullie warnit abefoir the said feist of Witsonday conforme to the new Act of Parliament maid tharupone to haif remowit thame selfis thar seruandis gudis and geir tharfra respective at the said

feist of Witsonday in the yeir of God foirsaid lik as in the said Srefis precept direct tharupone at mair lenth is contenit Be vertew of the quhilk precept the saidis tennents of Innerowre war lauchtfullie summond to this day to haif ansuerit at the instance of the said Alexr Leslie in the said mater And the said Alexr Leslie compeirand be Maister Robert Lumisden his procuratour And the saidis pairtiis defendaris compeirand be Maister Oliuer Pantoun thar procuratour And the said Maister Robert desyrand proces in the said Alexrs name Comperit Andro Foullartoun Sref in that part be vertew of our Souerane Ladys Letters of the dait at Edinburgh the viij day of Februar and of hir Grace regne the xvj yeir And be vertew of the said letters commandit and chargit the said Sref deputis to continew the courte sett be the Sref principall of the said Srefdome in the said mater to tent day of the monetht of Marche nixtocum And dischargit thame uthirwiss of all proceding tharintill And of thair offices in that pairt in the mentyme lik as in the said letters at mair lenth is contenit Quhilk charge the said Sref deputis obeyit and continewit the said Courte and actioun and caus contenit in the said precept to the said tent day of Marche conforme to the said letters And warnit the said procuratouris tharto apud acta witht intimatioun as efferit And desirit the said letters to be insert in thar Sref buik for thair warrand[1]

The said day comperit Maister Oliuer Pantoun procuratour for the inhabitants of Innerowre and protestit for all thair iust and lauchfull defenss in the actioun intentit agains thame and producit ane decreit of the lordis of the Counsall of the dait at Edinburgh the fiftene day of Marche the yeir of God 1556 yeiris subscriuit witht the hand of Maister James McGill And protestit gif the Sref deputis foirsaid procedit forder in the said mater for remeid of law agains thame

III.

(24 May 1558)

Marie be the Grace of God Queen of Scottis To our louittis Patrie Chalmer and Patrik Smart oure Sreffis in that pairt coniunctlie and seueralie specialie constitute greting forsamekill as it is humblie menit and schawin to us be our louittis Henry Kelle Thomas Kelle Johne Cusset Andro Baxster and the remanent of the burges and inhabitants of our burgh of Kyntor That quhair Alexander Leslie of Wardres allegeand that he is infeft with the thayndome of Kintor and toll beir of our said burgh and that his predicessours and he hes bene in use and possessioun of uplifting of ane furlut of beir of Ilk rude of land of our said burgh quhilk is nocht of veritie hes summond the saids Complaneris

1 It is probably a part of these which is found in the Diet Book a few pages before this entry.

To compeir befoir our Sref of Abirdene and his deputis to heir thame decernit to refund and pay to him the said toll beir of certane yeiris bigane and sicklik yeirlie and termelie in tyme cuming as at mair lenth is contenit in thair precept direct tharupone And thair intends to get proces agains the saids complaneris howbeit thai ar infeft in our said burgh of Kintor be our maist nobill progenitouris of gude mynd quhome God assolze in fre burgage with courte plant and all utheris fredomes and liberteis belonging to fre burgh and for payment allanerlie of the burrow malis contenit in the checker rollis of the quhilks the said toll beir is na pairt as is notour to the lordis of our consall bot ane new extorssioun and exactioun And in respect that the saids complaneris ar sa frelie infeft with court and playnt as said is as thair infeftment schawin befoir the saids lords proportis Oure said Sref nor his deputis hes na Jurisdictioun ouer the saids complaneris nor ar na Juges competent to thame specialie in thair caussis concerning the commone weill of the said burgh for now and perpetuallie in tyme cuming and concerning the inbringing of ane new impositioun and exactioun of thair commoun lands quhairof thai ar fre be thair infeftment as said is And attour Johne Leslie of Bolquhane principall Sref depute of oure said Srefdome quha hes the haill rewill and ordoring of all the courtis tharof is neir of kin within gree dissendand to the said persewar sua that in caiss he wer competent he is suspect to be Juge to the saids complaneris in the said causs And albeit thai wald depute ony uther thair will be nane depute bot sic as will do as he commandis thame quhairthrow thair will be ane condampnatour gevin agains the saidis complaneris and the said new extorssioun and exactioun rasit upone thame To thair hevy dampnage and skayth as is allegit Oure will is heirfor &c &c (as in former example) Gevin undir our Signet At Edinburgh the xxiiii day of May and of our Regnne the xvi yeir[1]

Ex deliberatione Dominorum Consilii
J Nicholsone

IV.

(5 January 1558-9)

Frances and Marie be the Grace of God King and Queen of Scottis Daulphin and Daulphines of Viennoyis To our louittis Andro Cheyne Thomas Cheyne oure Sreffis in that parte coniunctlie and seueralie speciale constitute greting Forsamekill as it is humelie menit and schewin to us be oure louittis Williame Cheyne of Straloch Johnne Cheyne his sone and appeirand air Margaret Forbes dochter to Alexander Forbes of Petslego spous to the said Johnne That quhair the saidis Johnne and Margaret his spous hes ane parte of the landis of Bethelny and the hill of

1. It is worthy of note that although Francis and Mary began to reign on 24th April, the foregoing runs in the name of Mary alone.

Bethelny adiacent tharto as ane parte of the propertie of the saidis landis perteining to thame in heritage and coniunct fee within the Srefdome of Abirdene Nochttheless Williame Seytoun of Meldrum allegeing him to haue commontie of the said hill to his landis of Meldrum and Tulloch hes rasit utheris oure letters direct to our Sref of Abirdene and his deputis and thairupoun our said Sreffis precept and hes summondit the said Williame to compeir before thame the xj day of Januare instant to heir and se cognitioun takin in the said mater And intends wranguslie to proceid in the said mater and pronunce partialie thair decreit agains him thairintill albeit oure said Sref and his deputis can on na wiss be iuges competent in the said actioun and cognosce thairintill Bot the same aucht and suld be aduocat to the lordis of oure counsale and oure said Sreff and his deputis dischargeit of all proceiding thairoun for the caussis following Becaus thair is deidlie feid standand unrecounsalit betwix oure cousing George Erle of Huntlie our Sreff principall of oure said Srefdome Johnne Gordoun his sone and thair freindis allya and parttakeris on that ane parte and the said Alexander Forbes of Petslego his freindis and allya on that uther parte be ressoun of crewell slauchter of umquhill Anthone Forbes kynnisman and famuliare seruand to the said lard of Petslego quha wes laitlie slane in the moneth of September last bipast be Maister Johnne Duff Ferquher Mcburnet Johnne Baillie and utheris seruandis and parttakeris with the said Johnne Gordoun and for the crewell wounding of James Scott seruand to the said lard of Petslego in his awin hous within his bed upoun the landis of Pettinbrufgar beside Finlater under silence of nycht committit in the moneth of August last bipast be the said Johnne Gordoun his freindis and seruandis in his name of his causing and command as said is And the said Johnne Cheyne is sone of the law to the said Alexr Forbes becaus he hes mariit his dochter and hes hir now to his wiffe Als the lard of Petslego persewit the said Johnne Gordoun upoun his lyfe within oure Tolbuith of Edinburgh in the moneth of Nouember last bipast for the slauchter and crymes aboue specifiit and sua he being sone of the law to the said lard of Petslego and allia to him in marriage of his dochter is participant of the said deidlie feid And the said actioun is greit and wechtie upoun thre or foure mylis boundis of heretage and oure said Sreff and his deputis na Jugeis competent tharto Attoure George Striueling (quha is bruther of the law to the said Williame Chene be ressoun he hes mariit Elizabeth Chene his sister germane) persewit in the moneth of Nouember last bipast within oure Tolbuith of Edinburgh the said Williame Seytoun for the tressonable rasing of fyre and burning of ane hous upoun the forsaidis landis and oure cousing George Lord Gordoun eldest sone to oure said Sref principale ane of the deputis of our said Srefdome and Johnne Leslie of Bolquhane ane uther of his deputis tharof kyinnisman at the leist allia

to the said Williame come and stude at the bar with the said Williame Seytoun and tuk plane parte with him for his defence and Alexr Seytoun eldest sone to the said lard of Meldrum is dailie in houshald with the said Erle of Huntlie and ar kyinnismen within greis desendand at the leist famuliare seruandis to him for quhais favouris he will do in the said mater that he mai and caus his deputis do siclik Attour this actioun is dependand before the saidis Lordis of oure counsale betuix the said Williame Chene and the said lard of Meldrum anent the foirsaidis landis Quhilk actioun wes callit upone the penult day of the last sessioun and the said Williame Seytoun producit ane compromit and ane allegit decreit gevin in the said mater and desirit proces thairon And sua the said actioun is dependand before the saidis lordis undecidit as yit Alsua of the moneth of Januare the yeir of God j^{m}v^{c} xxxix yeiris umquhill Alexr Chene of Straloch fader to the said Williame Chene rasit letters direct to the said Sreff and his deputis for taking of Cognitioun upoun the forsaidis landis debatable And elikewiss the said Williame Seytoun rasit utheris letters and preceptis tharupoun for taking of Cognitoun at his instance in the said mater and than thai compromittit in certane freindis in presence of oure said Sref and his deputis anent the variance betuix thame anent the forsaidis landis And that the said Williame Seytoun allegis that the said iugeis pronuncit thar decreit in the said mater quhilk he hes producit before the saidis lordis as said is And tharfore the said allegeit decreit aucht to haue first proces and the saidis complenaris thar iust defenssis agains the same and in caiss the same be fundin of nane awale the saidis complenaris aucht to be reponit in the same place that thai wer of before and equale proces aucht and suld be led at bayth thar instances pari passu as is allegeit Our Will is heirfor &c &c [as in former examples]

Gevin under our signett at Edinburgh the v day of Januare and of oure regneis the first and xvij yeiris[1]

Ex deliberatione &c

Proceedings involving Questions of Heritable Right

I.

(Circa June 1557)

The said day thair was nemmit for my Lord Forbes Alexr Forbes of Petslego George Straittoun of Laurenstoun Johne Wischart of Pettarrow Arthur Forbes of Balfour Alexr Bannerman of Waltertoun Patrik Forbes of Corss and Maister Robert Lumisden or ony thre or tua of thame and

1. These letters were produced at the Head Court on 10th January, or on the following day, and given effect to by the Sheriff depute.

for the pairt of James Gordoun of Lesmoir Maister Williame Gordoun his sone Alexr Gordoun of Straythdoin George Gordoun of Geycht Johne Leslie of Balquhane Alexr Gordoun of Abirzeldy James Gordoun of Haldoch Sir Walter Ogilby of Drumlugus Knycht and Maister Johne Leslie Officiall of Abirdene or ony thre or tua of thame anent the debaittabill landis betuix Ballatar and Abirgardyne and all uther debattis betuix thame to convyne upoun the ground debattabill the xv day of July nixt cumis and thair to accept the said mater upoun thaim and to cognoss thairintill and to deliuer in the samen freindlie and na nowatioun to be maid be ayther of the saidis pairteis thairone vnto the day foirsaid And siclik to cognoss upoun the rycht or wrang of the poynding of the scheip of Johne Stewartis and restitutioun of the profittis thairof gif freinds thinkis it ressoun And that the scheip foirsaid be restorit to the said Johne Stewart on Tuisday nixt cumis upoun Cornabad betuix tene and tuelf houris afoir nowne And that nothir the poynding nor deliuering of the said guidis and scheip be nocht preiudiciall to nane of the saidis pairteis on the quhilks bayth the saidis pairteis tuik Act of Court

II.

(12 January 1557-8)

The said day Andro Wod of Colpnay requirit Maister Robert Lumisden in name of the Lord Glammis his ourlord to procuir for him in the caussis betuix him and Johnne Wod of Balbegyno Becaus the said Maister Robert is bailze to the said lord Glammis of his baronie of Balhelwe quha refusit to procuir in the said materis on the quhilks the said Andro tuik act of court

(3 February 1557-8)

Curia Vicecomitatus de Abirdene tenta super terras debatabiles inter Colpnay et Uner Blairtoun tertio die mensis Februarii anno domini millesimo quingentesimo quinquagesimo septimo per honorabilem virum Johannem Lesly de Bolquhane Vicecomite deputato de Abirdene pro tribunali sedente etc

The said day Maister Robert Lumisden procuratour for Johnne Wod of Balbegyno accepit Andro Wodis libell of his precept of cognitioun agains the said Johnne and indorsatioun tharof sa far as it maks for the said Johnne et non aliter nec alio modo and protestit for all the said Johnnes defenssis in the said mater

The said day Andro Wod of Colpnay nammit for him Patrik Mowat of Balquhally Alexr Hay of Delgaty or his eldest sone Patrik Leyth of Crano Maister Duncane Forbes of Monymusk Thomas Cheyne young

lard of Essilmond James Gordoun of Haldo And Maister Robert Lumisden procuratour for Johne Wod of Balbegyno nammit for the said Johne James Wod of Bonytoun George Gordoun of Schives Knyt James Gordoun of Creichie Alexr Burnet of Lyis Patrik Forbes of Corss and Thomas Gordoun of Kennerty or ony tua or thre of thame for ilk pairty tuiching the debatabill bounds methis and marchis contenit in thar preceptis of Cognitioun rasit agains utheris hinc inde And Johnne Leslie of Bolquhane odman and ourman in the said materis in caice of discorde to convene upoun the said debatabill ground on Tuisday eftir Palmsonday that nixt cumis viz the fift day of Aprill nixt cumis And thair ony tua or thre of thame with the said ourman to accept the said mater on thame at nyne houris afoir nowne or tharby and to ressaue sic probatioun writ or witnes as ayther of the saidis pairtiis plesis to produce and use and the witnes to be admittit als weill on summond as summond sua that thar be na uther lauchfull exceptioun of the law agains them And to deliuer that same day or the sone gang to And thar deliuerance to haif the strynth of ane Judiciall decreit of the Sreffis of Abirdene and to be insert in his buiks And preceptis to be direct tharupoun gif neid beis And the Sref depute foirsaid be vertew of his office and with consent of the said Andro Wod and Maister Robert Lumisden for Balbegyno continewit bayth thar preceptis hinc inde to Furisday nixt eftir the nixt Pasche court viz the xxj day of Aprill[1] nixt cummis to the court to be haldin upoun the said debatabill ground in sic strynth force and effect as it hes this day And in the mentyme na letters nor preceptis to be rasit be nane of the saidis pairtys quhill the said day Reseruand to bayth the saidis pairtys thar iust and lauchfull defenssis that day as this day And bayth the saidis pairtyis witnes ar warnit to that day apud acta with intimatioun as efferis

III.

Curia Vicecomitatus de Abirdene tenta in pretorio euisdem primo die mensis Februarii anno domini Millesimo quingentesimo quinquagesimo septimo per honorabilem virum Johannem Leslie de Bolquhane et Georgium Bissat Vicecomites deputatos de Abirdene coniunctim et diuisim pro tribunali sedente &ca

THE SAID DAY Maister Robert Lumisden for the lardis of Fyvie and Tolquhone and Maister Duncane Forbes Curatour for the said lard of Tolquhone accepit the libell of George Gordoun of Scheves Knyt precept of Cognitioun and indorsatioun tharof sa far as it maks for the part of the saidis lardis and Maister Duncane et non aliter neque alio modo And thareftir allegit that the indorsatioun of the said precept wes nocht

1 The Diet Book contains no record of a court on 21st April, 1558.

sufficient Becaus it maid na mentioun that thair wes ane copy of the said precept deliuerit to the said lard of Fyvie nor yit effixit upoun his gait conforme to the Act of Parliament And tharfor protestit that the indorsatioun tharof suld haif na place And Alexr Paip prolocutour for the said lard of Scheves allegit that the lard of Fyvie wald affirme and ratifie the said citatioun and tharfor the said indorsatioun wes sufficient And the said Maister Robert protestit that na ratificatioun that the said lard of Fyvie happinis to mak be nocht preiudiciall to the said lard of Tolquhonis actioun And thareftir the said Sref deputis Be vertew of thar office continewit the said Georgis precept to the sevintene day of Februar instant and warnit the said pairty and procuratour foirsaid tharto with intimatioun as efferit And thareftir the said Maister Robert requirit the said Sref deputis to affixt ane day to bayth the saidis pairtyis and tak bayth thar cognitionis one ane day And to caus to gif Tolquhone precepts to that day and protestit gif the said Srefis wald nocht do the samen for remeid of law agains thame And the said George Gordoun protestit for the first place becaus his letters of cognitioun wes first rasit first presentit and first preceptis direct tharupoun and first execute and indorsate

> Curia . . . tenta apud Monkishillok (3d May 1558) per nobilem et potentem Dominum Georgium Comitem de Huntlie Dominum Gordoun et Badzenocht etc Vicecomitem principalem de Abd et Willmum Leslie de Syid eius deputatum quo die sectis vocatis curia legitime affirmata fuit etc

THE SAID DAY ane nobill and potent Lord George Erle of Huntlie etc and Shref principall of Abirdene creat James Wentoun Williame Slorach and Richart Huchesone his Sref deputis of the said Srefdome coniunctlie and seueralie and causit thame and ilk ane of thame sweir the gret ayth In Jugment to execute the said office lelelie and trewlie in all actionis concerning the samen ay and quhill thai be dischargit

> Curia . . . tenta super terras debatabiles inter terras de Monkishill et terras de Park et Tifty (3 May 1558) per nobilem et potentem dominum Georgium Comitem de Huntlie etc Vicecomitem principalem de Abirdene Willmum Leslie de Kirkhill Jacobum Wentoun Willmum Slorach et Richardum Huchesone vicecomites deputatos dicti vicecomitatus coniunctim et diuisim . . . . .

THE SAID DAY in the actioun and caus of Cognitioun mowit and persewit be George Gordoun of Scheves Knyt agains Williame Forbes of Tolquhone and Williame Meldrum of Fyvie Be vertew of our Souerane Ladiis letters and my lord Sreffis precept of Abirdene direct tharupoun And Maister Duncane Forbes Curatour to the said Williame Forbes for

his interes Makand mentioun that quhair the said George Gordoun Knyt hes the landis of Monkishill with thair pertinentis lyand within the Srefdome of Abirdene pertening to him in few ferme heretabillie as his infeftment tharupone beris And his predecessouris heretabill fewaris and tenentis respectiue of the saids lands he and thair tenentis thairof in thair names hes been in possessioun of the samen be laubouring teling and sawing thairof casting and wynning of fewall peitis turvis faill and duvettis thairupoun and using of the samen utherwiss as thair heretage and propirtie be the bounds methis and marchis undir writtin in tymes bygane past memour of man That is to say Begyannand at the Monkis and passand doun the Monkisburne as the watter rynnis quhill it cum to the lang furd at the nethir end of the Monkishillok And frathyne passand up the stripe that cumis furth of the greyne myre that lyis betuix the Monkishillok and the Moss of Tifty and haldand up the said stripe and outmaist myre quhill it cum to the well heid at the Northwest nuik of the peit myre of Monkishill And frathyne directlie to the Kilslak Quhill now laitlie in the moneth of August last bipast that Wm Forbes of Tolquhone and Williame Meldrum of Fyvie portionaris of the landis of Park aud Tifty adiacent to the said George Gordonis lands foirsaidis and Maister Duncane Forbes Curatour to the said Williame Forbes his interes hes causit fenss and arreist the cornis sawin be the said George Gordoun and his tenentis and seruandis in his name this instant yeir upoun ane pairt of his saidis landis callit Monkishillok within the boundis methis and marchis foirsaidis And will nocht suffer the arreistment maid thairon be lowsit And thairthrow hes molestit and trublit the said George Gordoun in his possessioun of his saidis landis and will nocht desist and ceis thairfra without thai be compellit CHARGEING theirfoir the said Sref and his deputis that incontenit the said letters sene to call bayth the saidis pairtys befoir thame and tak cognitioun in the said mater And gif it beis fundin that the saidis landis of Monkishill with thair pertinentis pertenis to the said George Gordoun in few ferme heretabillie and that his predicessours heretabill fewaris and tenentis respectiue of the saidis landis he and thair tenentis and seruandis in thair names hes bene in possessioun of the samen in manner aboue specifeit be the boundis methis and marchis aboue expremit in tymes bygane past memour of man And that now laitlie in the said moneth of August last bipast the saids Williame Forbes and Williame Meldrum and the said Maister Duncane curatour foirsaid for his interes hes causit [fenss] and arreist the cornis sawin be the said George Gordoun and his tenentis and seruandis in his name this instant yeir upoun ane pairt of his saidis landis callit the Monkishillok within the boundis methis and marchis foirsaidis And thairthrow hes molestit and trublit the said George Gordoun in his possessioun of his saidis landis in maner foirsaid THAT the said Sref and

his deputis caus and compell thame to desist and ceiss thairfra and loiss the arreistment maid at thair instance upoun the said George Gordonis cornis foirsaidis So that he may intromit and dispone thairupoun and keipe and defend him in his possessioun of his saidis landis be the boundis methis and marchis aboue writin as his propirtie and heretage in tyme cuming ay and quhill he be lauchfullie callit and ordourlie put thairfra be the law And that the said Sref and his deputis do iustice to bayth the saidis pairtiis admittand to thame thair iust and lauchfull defenssis according to iustice lik as in the saidis letters and precept direct thairupoun at mair lenth is contenit BE VERTEW of the quhilk precept baith the saidis pairtiis war lauchfullie summond to the sevintene day of the moneth of Februar last bipast to haif hard and sene cognitioun to haif been takin in the said mater within the tolbuith of the burgh of Abirdene Upoun the quhilk sevintene day of Februar last bipast the said precept and actioun and caus contenit in the samen wes continewit in presens of ane Nobill man George Lord Gordoun Johne Leslie of Balquhane Williame Leslie of Syid Michaell Menzeis and George Bissat Sref deputis of the said Srefdome for the tyme coniunctlie and seueralie with consent of Maister Johnne Leslie Officiall of Abirdene Alexander Paip and Maister Thomas Frasser procuratours for the pairty persewar aboue writin and with consent of Maister Robert Lumisden procuratour for the pairtiis defendaris and curatour foirsaid in sic strenth force and effect as it hed that day to this day to the court to be haldin upoun the debatabill ground aboue specifeit this day and the saidis procuratours warnit thairto apud acta with intimatioun as efferit And the said George Gordoun of Scheves Knyt compeirand in Jugment with Maister Thomas Frasser his procuratour and desirand proces in the said mater conforme to the said letters and precept direct thairupoun and continewatioun of the said precept to this day And the saidis pairtiis defendaris and the said Maister Duncane curatour to the said Williame Forbes beand oftymes callit and nocht compearand lauchfull tyme of day biddin the said Sref and his deputis foirsaid decernit the said actioun and caus to the said George Gordonis probatioun quha thane instantlie producit his instrument of possessioun of the saidis landis undir the signe and subscriptioun of notar publik of the dait the day of the moneth of the yeir of God ane thousand fyve hundreth yeiris togidder with certane famous witnes lauchfullie summond to this day to beir witnes in the said mater for the part of the said George Gordoun that is to say William Watsone in Gowell Patrik Cowpar in Nethir Rothy Johnne Low in Carthin Robert Schand in Auchmaledy Robert Thomsone in Litill Gurdas Alexr Smyth in Stenbrig Andro Curker in Fyvie Williame Scott in Blairfoull Johnne Smyth in Stanemonhill and Andro Buchane in Creichnaled Suorne the greit aytht in the

jugment and diligentlie exemit be the said Sref and his deputis in the said mater And thaireftir the said Sref and his deputis foirsaid being reply and at lenth awisit with the said instrument of possessioun and the depositionis of the witnes aboue specifeit eftir lang and mature consultatioun maid and hed be thame thairwith in the said mater FAND and deliuerit that the saidis landis of Monkishill with thair pertinentis pertenis to the said George Gordoun in few ferme heretabillie and that his predicessouris heretabill fewaris and tenentis respectiue of the saidis landis he and thair tenentis and seruandis in thair names hes bene in possessioun of the samen in maner aboue specifeit be the boundis methis and marchis aboue expremit in tymes bigane past memour of man And that in the said moneth of August last bypast the saidis Williame Forbes and Williame Meldrum and the said Maister Duncane Curatour foirsaid for his interes causit fenss and arreist the cornis sawin be the said George Gordoun and his tennentis and seruands in his name the yeir libellit upoun ane pairt of his saidis landis callit Monkishillok within the boundis methis and marchis foirsaid QUHAIRFOR the said Sref and his deputis foirsaid decernit and ordanit the said Williame Forbes and Williame Meldrum and the said Maister Duncane Forbes curatour foirsaid for his interes to desist and ceiss thairfra in tymes cuming And losit the arreistment maid at thair instance upoun the said George Gordonis cornis foirsaid sua that he mycht intromet thairwith and dispone thairupoun And als decernit and ordanit the said George Gordoun to be kepit and defendit in his possessioun of his saidis landis of Monkishillok be the boundis methis and marches aboue writin as his propirtie and heretage in tyme cuming ay and quhill he be lauchfullie callit and ordourlie put thairfra be the law conforme to oure Souerane Ladiis letters foirsaid according to iustice And ordanit preceptis to be direct heirupoun gif neid beis One the quhilk the said George Gordoun tuik act of court and instrument

IV.

(17 February 1557-8)

The said day in the actioun and caus mowit and persewit be Beatrix Dunbar the relict of umquhill Johnne Straquhyne of Lenturk Be vertew of our Souerane Ladiis letters and my lord Srefis precept direct thairupoun agains Johnne Straquhyne of Thornetoun now lard of Lenturk Anent the said Beatrix terce of all and sundrie the landis tounis and baronie of Lenturk with the pendiculis and pertinentis thairof allegit reseruit to the said Beatrix in the infeftment maid and gevin be hir said umquhill spouss be alienatioun and venditioun thairof to the said Johnne Straquhyne of Thornetoun his airis and assignais lik as in the said letters and precept direct thairupone at mair lenth is contenit . . . . The

said Sref deputis for certane caussis moving thame for the tyme continewit thair interlocutour thairupone and siclyk the principall actioun and caus of Cognitioun specifeit in the said letters and precept to the morne vizt the auchtene day of Marche [? February] instant to the courte to be haldin in Auld Abirdene in the Bischopis Hall of the samen . . . .

(20 April 1558)

"The said day in the actioun and causs of Cognitioun movit and persewit be Beatrix Dunbar the relict of umquhill Jon Straquhyne of Lenturk agains Johne Straquhyne of Thorntoun anent hir ressonabill terce of the barony landis and townis of Lenturk with thair pendiculis and pertinence . . . . The said Sref depute desirit the saidis pairty and procuratour to produce thair rychtis and Juris hinc inde in the said mater gif tha had ony mair to produce thairintill And thaireftir the said Beatrix be maister Jon Kennedy hir prolocutour producit ane copy of ane Chartour of Confirmatioun of the Quenis grace confirmand the Chartour of Alienatioun maid be the said umquhill Jon Straquhyne of Lenturk to Jon Straquhyne of Thorntoun of the landis and baronie of Lenturk subscriuit with the hand of Maister James McGill Clerk of our souerane ladiis register and ane procuratorie allegit subscriuit with the hand of the said Jon Straquhyne of Thorntoun and ane copy of ane reuersioun subscriuit be Sir Andro Skeoch Notar and ane act of the Justice Air of Abirdene subscriuit be James Myllar writtar thairintill for the tyme and als ane copy of ane contract subscriuit be Sir Jon Ballantyne Justice Clerk and als the copy of ane Contract maid betuix the said umquhill Jon Straquhyne of Lenturk and the said Jon Straquhyne of Thorntoun subscriuit with the hand of Michaell Marioribanks notar And protestit for ane Condampnatour . . . . .

NOTE.—No decision recorded here and no further trace of case.

V.

(5 April 1559)

The said day it is appoyntit and finalie compromit betuix honoll men James Gordoun of Creiche in name and behalf of Barbara Hay of Nethir Lesk his spouss oblegen him de rato et grato for hir and him self for his interes one that ane pairt and Willeame Lesk of that ilk one that uther pairt in maner forme and effect as eftir followis That is to say the saids personis are bundin and oblegit in Jugiment in presens of the saids Sref deputis interponen thair autorite thairto to stand and abid underly fulfill and keip the decreit diliuerance and finale sentence arbitrale of thir personis under writin nemmit and chosin be thame respectiue That is to say for the part of the said Barbara and James hir spouiss for his interes Johnne Leslie of Bolquhane Williame Leslie of Kirkhill Thomas

Meldrum of Iden and Maister Robert Lumisdene burges of Abirdene or ony tua of thame And for the pairt of the said Williame Lesk Willeame Oudny of that Ilk Thomas Chene young lard of Essilmontht Alexr Bannerman of Wattertoun and Maister Johnne Kennedy or ony tua of thame as Jugis arbitratouris and amicabill compositouris and of ane Venerabill man Maister Johnne Leslie officiale of Abirdene odman and ouerman equalie nemmit and chosin be baytht the saidis pairtiis in caiss of variance or discord amang the said arbitratouris tuiching the said Barbarais and hir predecessours heretours of the said lands of Nethir Lesk lyand within the Srefdome of Abirdene possessioun thairof baytht in propirtie and commonte respectiue within certane boundis methis and marchis specifiit in the said Barbarais and James precept respectiue rasit be thame agains the said Williame thairupoun anent the allegit molestatioun and trubling maid to thame be the said Williame his seruandis and complices in his name of his causing command assistance and ratihabitioun thairintill lik as in the said precept at mair lynth is contenit and siclik anent the said Williame Leskis clame and interes that he pretendis to haif to the said debatabill landis Quhilks pairtiis god willing sall convene and sa far as is in thame sall caus convein with thame tua of the saidis Jugis arbitratouris afoir specifiit for ilk pairty togidder with the odman and ouerman afoir nemmit upoun the debatabill ground contenit in the said precept one the first day of the moneth of May nixt cumis at nyne houris afoir noone or thairby and thair to accept the said mater on thame sorne [sworn] or one sorne at the willis of the pairtiis and als the saidis pairtiis to be sorne thairto at the willis of the saidis arbitratouris and ouerman and to begyne the said mater that samen day and hour or thairby and to ressaue sax vitnes for ilk pairty summond or one summond sua thair be na uther lauchfull exceptioun of the law agains thame And thaireftir to cognosce thairintill and the saidis arbitratours to deliuer and gif furth thair decreit deliuerance and finale sentence arbitrale thairintill within xxiiij houris nixt thaireftir thair acceptatioun And the said odman and ouerman in caiss of discord or variance amangis the saidis arbitratouris to gif furtht his decreit and deliuerance in the said mater within uthir xxiiij houris nixt thaireftir upoun the said ground And howevir the saidis arbitratouris and ouerman or the maist pairt of thame decretis and deliueris in the said mater the saidis pairtiis to obserue fulfill and keip the samen ilk ane for thair awin pairt but ony reuocatioun appellatioun or reclamatioun thairfra in ony manner of way in tyme cuming One the quhilks the saids James and Williame hinc inde tuik actis of court and instrumentis afoir the said Sref deputis[1] and Maisteris Oliuer Pantoun Alexr Blakhall Gilbert Murray and Wm. Settoun notars publik with uther diuerss

1 These were on this occasion John Leslie of Bolquhane, George Baird, Mr. James Stevin, and Andrew Foullartoun.

Diet Books: Vol. II., Occupancy of Land

Proceedings involving questions as to occupancy of land.

I.

(June 1557)

The said day in the actioun and caus mowit and persewit be ane nobill and potent Lord George Erle of Huntlie Lord Gordoun and Badzenocht etc agains Williame Gordoun in Auchannoquhy Be vertew of my lord Srefis precept of Abirdene for the wrangus and violent occupatioun of the saidis landis of Auchannoquhy and croft of Rovane with thair pertinentis pertening to the said Erle in heretage lyand in the baronie of Strabogye within the Srefdome of Abirdene sene the feist of Witsounday last bipast in the yeir of God ane thousand fyve hundreth fifty sevin yeiris he beand lauchfullie warnit afoir the said terme and feist of Witsounday last bipast upoun the premunitioun of fourty dayis preceding the said feist conforme to the new act of parliament maid thairupoun to haif removit thairfra at the said feist of Whitsounday last bipast lyik as in the said precept at mair lynth is contenit Be vertew of the quhilk precept the said Williame was lauchfullie summond to the auchtene day last bipast of the said moneth of Junii instant to haif ansuerit in the said mater at the said Erlis instance in the Sref Court haldin that day in the tolbuith of Abirdene upoun the quhilk xviij day of Junii foirsaid the said Williame Gordoun beand oft tymes callit and nocht compearand lauchfull tyme of day biddin George Bissat Sref deputat of the said Srefdome for the tyme continewit the said actioun be vertew of his office to this instant day of Junii and ordanit intimatioun thairof to be maid to the said Williame deulie as efferit in presens of Maister Johnne Innes procuratour for the said Erle lauchfullie constitut in the said mater quhilk intimatioun thairof was deulie maid to the said Williame be Andro Fullertoun ane of the Mairis deputis of the said Srefdome And the saidis Erle and Williame compeirand bayth personalie this day in iugment And the said Erle desyrand proces in the said mater the said Williame was content to remove furth of the saidis landis of Auchannoquhy and croft of Rovane with thair pertinentis with all diligence QUHAIRFOIR the said Sref deputis deliuerit and ordanit the said Williame Gordoun of his awin confessioun and grant maid afoir thame in iugment to remove him self his wyffe seruands guidis and geir furth of the saidis landis of Auchannoquhy and croft of Rovane foirsaid with thair pertinence within thre dayis nixt thaireftir conforme to the said precept and lauchfull warning maid thairupoun abefoir as said is and ordanit preceptis to be direct thairupoun in forme of law gif neid beis one the quhilks the said Erle tuik Act of Court and instrument

II.

(Circa November 1557)

WE Johnne Leslie of Balquhane and Maister Robert Lumisden burges of Abirdene Iuges Arbitratours and amicabill compositatours equalie chosin betuix Williame Mertin executour testamentar to umquhill Jonet Sangster his moder persewar on that ane pairt and Gilbert Merchand defendar one that uthir pairt Tuiching the said Williamis clame of tene bollis of beir sawing estimet to the thrid corne the price of the boll with the fodder tuente sax schilling aucht penneis Scotis money clamit be him at the said Gilbert be ressoun of intromissioun laubouring and withhalding of saxtene ruddis landis of the toune of Newburgh liand within the Srefdome of Abirdene and melling and disponing the haill proffeitis thairof of the yeir of God ane thousand fyve hundreth fyftie four yeiris pertening to the said Williame as executour foirsaid lik as in his libellit precept maid and rasit thairupone at mair lynth is contenit WE the saidis Johnne and Maister Robert being riply and at lynth awisit with the rychtis and probationis of ayther of the saidis pairtiis producit and usit afoir us FINDIS decreitis and decernis the said Gilbert to content refound and pay to the said Williame as executour foirsaid for the ressonis and caussis aboue specifeit tuelf bollis of beir with the fodder the price ilk boll with the fodder tuente sax schillingis viij d Scotis money of the crope of the yeir of God ane thousand fyve hundreth fifty fyve yeiris The said day William remittand thairof to the said Gilbert threttе schillingis Scotis money for the maill of the saidis ruddis lik as the said umquhill Jonet suld haif payit for the samen And als remittand to the said Gilbert for the teling of the said saxtene ruddis and fulze laid be him thairupone the yeir foirsaid fourtie schillingis money foirsaid And ordanis the said Gilbert to pay the premissis to the said Williame betuix this and the feist of pasche nixt cumis

(Entry ends next page missing.)

(20 April 1558)

The said day in the actioun and caus intentit be Maister Jon Leslie officiall of Abirdene agains Alexr Lyoun for the wrangus intromitting of tua croftis liand in the eist territour of the croftis of Abirdene the tayne liand betuix the land of Jon Moir on the North pairt and the croft of Gilbert Kyntor younger one the South pairt and the other croft callit Heddonishill liand thair betuix the croft of Alexr Collisone one the North pairt and the croft of Patrik Leslie one the South pairt in the moneth of Marche the yeir of God ane thousand fyve hundreth fifty sax yeiris or thairby pertinand to the said Maister Jon in tak and assedatioun maid to him thairupone be Andro Murray with consent of Katherine Lyoun his spous he thane being in possessioun of the samen be himself

and his subtennentis in his name and teilling and sawing of the samen be the said Alexr without titill or rycht of the said Maister Jon lik as in the Srefis precept direct thairupone at mair lenth is contenit Be vertew of the quhilk precept the said Alexr wes lauchfullie summond to the last day of July last bipast to haif ansuerit at the said Maister Johnis instance in the said mater At the quhilk day the said Alexr comperit in jugment befoir Jon Leslie of Bolquhan and George Bissat Sref deputis of the said Srefdome for the tyme and thane he beand accusit upone the contentis of the said precept he producit ane assedatioun maid to him upone the said croft callit Heddonishill be Andro Murray burges of Abirdene subscriuit with the said Androis hand of the dait the last day of October the yeir of God 1556 yeiris and desirit ane day to call his warrand or he enterit in ply quhilk Sref deputis assignit him the fift day of October nixt thaireftir to call his said warrand as he wald be seruit and thane continewit the said precept to that day one the quhilk day thair was na court haldin and sua the said mater slepit and thairfor the said Alexr beand lauchfullie summond warnit and chargit to this day be vertew of oure uther precept to produce and bring with him his said warrand gif he ony had and to heir and se forder proces in the said mater according to iustice with dew intimatioun as efferit And the said Alexr compeirand personalie in jugment this day and beand requirit to produce his warrand gif he ony had producit nane nor wald say na thing contrar the tennour of the precept bot held him at his assedatioun and grantit the occupatioun of the croftis contenit thairintill And thaireftir the said Sref depute decernit the said actioun and caus to the said Maister Johnis probatioun quha thane instantlie producit ane assedatioun maid to him of the said croftis be Andro Murray with consent of Katherine Lyoun his spous of the dait the tuenty saxt of Januar the yeir of God Ane thousand fyve hundreth fifty fyve yeiris and tuk Mounday nixt eftir the trinite Sonday nixt cumis viz the saxt day of Junii nixt cumis to preif for the secund terme of probatioun in the said mater and warnit the said Alexr thairto with intimatioun as efferit

The said day Maister Gilbert Murray protestit that quhat beis done in the actioun and caus afoir writin betuix Maister Jon Leslie and Alexr Lyoun preiuidice nocht nor hurt nocht him nor his titill of the croftis foirsaid quhilk he allegit him to haif the samen one the quhilk the said Maister Gilbert tuik act of court

IV.

(20 April 1558)

The said day in the actioun and caus persewit be Alexr Leslie fractenmentar of the baronie of Leslie and tenendries of the samyn agains his fre tenentis for his releif of certane taxationis payit be him for the

said baronie baytht propirtie and tenendries thairof for thair pairtis of the samyn respective affeirand to thair tenendries tha hald of him lik as in my lord Shrefis precept direct thairupoun at mair lenth is contenit Be vertew of the quhilk precept Jon Leslie fear of Leslie Maister Jon Forbes portionar of Barnis George Leslie of New Leslie Patrik Leitht of Likleheid George Leytht portionar of Edingarraucht Wm Leitht portionar of Barnis and Andro Leslie in Tothleis war lauchtfullie summound to this day to haif ansuerit at the said Alexris instance in the said mater and tha beand oft tymes callit and nocht compearand lauchtful tyme of day biddin the said Shref depute decernit the said actioun to the said Alexris probatioun Qhua than instantlie producit ane acquittance of fifty schilling of taxit of the dait the twente aucht day of August the yeir of God 1557 yeiris subscriuit with the hand of Maister Jon Nicholson Collector of the said taxitis for the tyme and refarrit the remanent of his libell to his pairties aytht and the said Shref depute ordanit thame to be warnit to the saxt day of Junii nixt cumis to depone the verite in the said mater respective

V.

(10 January 1558-9)

The said day in the actioun and caus of violence movit and persewit be Archbald Douglas of Glenbervy agains Alexr Forbes appeirand air of Thainstoun Agnes Gordoun his moder and Agnes Tulledeff the relict of umquhill Henry Forbes of Thainstoun Be vertew of my Lord Shreffis precept of Abirdene makand mentioun that quhair the said Archbald hes the ward nonentres mareage and releif of Kynnellar and Thainstoun witht thair pertinence liand in the parocheis of Kynnellar and Kynkell respectiue within the Shrefdome of Abirdene of our Souerane lady the Quenis grace Lik as in hir grace gift maid to him thairupoun mair fullelie is contenit Be vertew of the quhilks the saidis landis now perteins to him lik as thai haue pertenit to him be the space of tua yeiris last bipast witht the mair be ressoun of oure Souerane Ladiis said gift thairof maid to him upoun the ward nonentres mariage and releif thairof as said is And that he befor the feist of Witsonday in the yeir of God j^{m}v^{c} fifty sevin yeiris be vertew of his awin precept and witht his awin officiar causit lauchtfullie warne the saidis Alexr Forbes Agnes Gordoun and Agnes Tulledeff occupyaris of the saidis landis of Kynnellar and Thainstoun respectiue be thame selffis and utheris in thair names to haue removit thame selffis thair subtenentis and seruandis cottaris gudis and geir furtht of the saidis landis respectiue at the said feist of Witsonday in the yeir of God forsaid upoun the premunitioun of fourty dayis preceding the said feist of Witsonday conforme to the new Act of Parliament mair thairupoun Nochttheless the saidis personis respectiue as yit hes nocht removit nor flittit thame selffis thair subtenentis seruandis cottaris

guds nor geir furtht of the saidis landis bot hes occupiit the samyn wranguslie and wiolentlie continewalie sene the said feist of Witsonday but ony titill of rycht of the said Archbald and intendis nocht to remove and flitt thairfra nor yit to refound and pay to the said Archbald the profittis that he mycht haue had and gottin of the saidis landis and he had occupiit the samyn witht his awin propir gudis during the space forsaid lik as in the said precept at mair lenth is contenit Be vertew of the quhilk precept the saidis Alexr Agnes and Agnes war lauchtfullie summond to this day to ansuer at the instance of the said Archbald for the wrangus occupatioun of the saidis lands of Kynnellar and Thainstoun ilk ane for thair awin pairtis respective continewalie sene the said feist of Witsonday in the yeir of God forsaid And the saids Alexr Forbes and Agnes Gordoun compeirand personalie in jugement and wald say na thing contrar the effect and tennour of the said precept Quhairfoir the said Sref principall decernit the said actioun and caus to the said Archbald's probatioun tuiching thair said tua pairtis thairof And Williame Douglass of Kemnay sone and procuratour for the said Archbald tuik him to preif the samyn agains the said Alexr Forbes and Agnes Gordoun for thair pairtis thairof the fift day of Aprill nixt to cum for the first terme in presens of the said Alexr and Agnes with intimatioun as efferit And Maister Robert procuratour for the said Agnes Tulledef producit tua contractis extractit out of the consistorie bukis of Abirdene ane of the dait the xxiiij day of June the yeir of God j^{m}v^{c} xlix yeiris and ane uthir of the dait the aucht day of September the yeir of God j^{m}v^{c} fifty yeiris tuiching the said Agnes Tulledef rycht and pairt of the saidis landis and desyrit ane day to call hir warrand specifiit in the said contractis or scho entirit in pley And the Sref principall assignit hir the said fift day of Aprill nixt cumis to call hir warrand as scho wald be seruit and continewit the said Archbaldis precept to the said day in presens of the said Maister Robert hir procuratour and warnit him thairto apud acta with intimatioun as efferit

(5 April 1559)

The said day in the terme assignit to Archebald Douglass of Glenberve to preif for the first terme in the actioun and caus of violance &ca &ca . . . . . producit our souerane lady the Quenis Grace gift maid to him upoun the ward of the saidis landis of Thainstoun and Kynnellar under the Priva seill of the date at Striuelling the first day of Marche the yeir of God 1556 yeiris and of hir Grace regnne the fiftene yeir And als ane precept of warning of the date the tuenty tua day of Aprile the yeir of God 1557 yeiris And also producit Alexr Taileour in Auchquhartin Johnne Donaldsone in Lauchtthintulle Johnne Johnnstoun thair Gilbert Chessour in Thainstoun Dauid Tailzeour thair Thome

Fergus in Innerowre James Straquhyne thair and Robert Johnnstoun thair And protestit for ane condampnatour And the Sref deputis foirsaid assigneit the xxvj day of May nixt to cum to gif ane decreit in the said mater and warnit the said pairtiis thairto apud acta with intimatioun as afferit

(Eo. die)

The said day Maister Oluer Pantoun prelocutour for Alexr Forbes of Thainstoun allegit and proponit in name of the said Alexr that he is in minorite and less aige and within curatorie and na curatouris callit in the actioun and caus intentit agains him be Archebald Douglas of Glenbervy and thairfor protestit that quhat beis done in the said actioun hurt him nocht and for ane absoluitour of the actioun as it is intentit for the caussis foirsaid

(No further trace.)

VI.

(5 April 1559)

The said day Thomas Irwin being summound to this day to heir and se Monane Hog to be suorne and depone the verite upoun the contentis of ane precept rasit be the said Monane as Chalmerlane to ane nobill and potent lord Williame Erle Merschell for the tyme of his landis of Garlogy and myln of the samyn and myllandis thairof lyand in the barony of Skeyne within the Shrefdome of Abirdene Be vertew of the quhilk precept the said Thomas was lauchtfullie summound to the last day of July the yeir of God 1557 yeiris for the wrangus withthaldin fra the said Monane of the maillis dry multure and customis of the schaddow half of the saidis landis of Garlogy and myln and myllandis thairof induring the yeiris of God 1553 fifty four and fifty fyve yeiris extending yeirlie during the said space to the maillis dry multuris and custumis eftir following That is to say the said schaddow half landis fourty sax schilling aucht penneis of penny maill thre bollis meill of dry multure and custum the price of the boll thritte thre schilling four penneis half ane mart the price tuenty thre sh four penneis half ane wodder the price sax schilling tuente pultre the price of the pece aucht penneis fourtene caponis the price of the pece auchtene penneis ane boll of custum aittis the price threttene schilling four penneis and the maill of the said myln and myllandis thairof four merkis and ane sweyne the price threttе schilling scottis money ilk yeir during the said thre yeiris And than the said Thomas being accusit thairupone afoir Johnne Leslie of Bolquhane and George Bissat Sref deputis of Abirdene for the tyme sittand in jugement in the tolbuytht of Abirdene The said Thomas than refarrit to the said Monanis aytht gif the said Monane accepit the lard of Drum for the haill contents of the said precept and dischargit the said Thomas thairof lyk as in the

said precept and act maid thairupone at mair lenth is contenit And the said Thomas being oft tymes callit this day to compeir to heir and se the said Monane to be suorne and depone the verite in the said mater and nocht compeirand lauchtfull tyme of day biddin the said Sref deputis causit the said Monane to sueir the greit aytht in jugement to depone the verite in the said mater Quha being suorne deponit opinlie in jugement that he nevir tuik the lard of Drum for the contentis of the said precept nor yit was offert to him for the samyn and that the haill contentis of the said precept ar of verite and leill and trew QUHAIRFOIR the said Sref deputis decernit and ordanit the said Thomas to content refound and pay to the said Monane the maillis and prices of the dry multuris and custumis of the said Schaddow half lands and myln and myllands thairof aboue specifiit conforme to the libell of the said precept as is afoir writin except thai modifiit with the said Monaneis awin consent the price of the capone yeirlie tuelf penneis and the price of the sweyne yeirlie tuenty schilling And that within terme of law and ordanit preceptis to be direct heirupoun giff neid beis One the quhilk the said Monane tuik act of Court and instrument

VII.

(4 May 1559)

The feird day of May the yeir of God 1559 yeiris

The said day Gilbert Menzeis elder burges of Abirdene become ful dettour for Williame Hay of Ure to pay to Maister Johnne Nicholsone Chaplane of Sanct Nathalans Chaplanrie within the Chapell of Cowe the sowme of saxtene schilling aucht penneis scottis mone for ilk boll of tuenty fyve bollis and ane half of beir for the fermes of the croftis rigis and landis of his said Chaplanrie of the crop of the yeir of God ane thousand fyve hundretht fyftie aucht yeris betuix this [and] Ywill nixt cumis And also to pay to the said Maister Johnne his airis executours and assignais tuenty fyve bollis of beir and ane half boll gude and sufficient stuf for the fermes of the croftis rigis and landis of the said Chaplanrie of the crope of the yeir of God ane thousand fyve hundretht fifty nyne yeiris betuix the feist of the purefication of our lady callit Candilmes and the rude day callit the inuentioun of the haly croce nixt cumis or than the hiest price that beir hapins to gif the cuntre for the tyme And is content that preceptis be direct heirupoun to poynd and distrenze for the same termlie as neid beis And the said Williame Hay of Ure obligis him his airis executours and assignais landis and gudis present and to cum to releif and keip skaythtles the said Gilbert his airs executours and assignais of the premissis at the termes foirsaid And that preceptis be direct thairupoun siclik for the said Gilbertis

releif as neid beis afoir thir witnes Johnne Hay Maister Robert Hay broder germane to the said Williame Hay Mawnus Mowat in Glythnocht and Maister Williame Settoun notar publik Gilbert Menzeis wt my hand

Breach of Arrestment

(10 January 1558-9)

The said day in the actioun and caus mowit and persewit be Jerome Blak agains James Turing in Newburgh anent the maisterfull and wrangus brakin of ane arreistment maid be vertew of my lord Sreffis precept of Abirdene at the instance of the said Jerome Be Johne Bissat ane of the mair deputis of the said Srefdome upone the xvj day of the moneth of July the yeir of God ane thousand v^{c} fifty aucht yeiris upoun all and sundrie the cornis baytht beir and aittis pertening to the said James than growand upoun the said Jeromis croftis callit the Thornehill Chapell Croft and the Law liand within the toun of Newburgh and Srefdome of Abirdene arreistit at the said Jeromis instance for his fermis and dewiteis awand to him be the said James for his saidis croftis And the said arreistmentis wranguslie brakin be the said James and his seruandis and complices in his name at his command assistence and ratihabitioun in the monethis of August and September nixt thaireftir respectiue last bipast in the away takin of the saidis beir and aittis of the groundis of the saidis croftis quhair thai war than standand under arreistment onlowsit lik as in my lord Scheriffis precept of Abirdene direct thairupoun at mair lenth is contenit Be vertew of the quhilk precept the said James wes lauchtfullie summond to this day to ansuer at the instance of the said Sref of Abirdene and his deputis be vertew of his office[1] And als at the instance of the said Jerome sa far as the said mater concernit him for the brakin of the arreistment And the said James being oft tymes callit and nocht compeirand lauchfull tyme of day bidin the said actioun and caus wes decernit to the said Jeromis probatioun and the said Jerome tuik him to preif the samyn upoun the fift day of Aprile nixt to cum with intimatioun heirof to be maid to the said James dewlie as efferis and that for the first terme of probatioun

(No further trace.)

Fining of Jurors

I.

(April 1559)

The said day Johnne Mortymer of Cragywar being chosin and writtin this day to haif passit upoun ane inqueist for serving of our

1 No mention of procurator fiscal here as is found in similar cases at a later period.

souerane Lord and Ladiis brevis of thair chancellarie passit away one dischargit he being oft tymes callit thairto Quhairfor he is in amerciament of the court sic as he aucht to tyne of law and that is gevin for dome

II.

Curia vicecomitatus de Abirdene tenta in pretorio eiusdem decimo tertio die mensis Maij anno domini Millesimo quingentesimo quinquagesimo nono per honorabilem virum Willelmum Leslie de Kirkhill et Magistrum Alexandrum Blakhall vicecomites deputatos de Abirdene coniunctim et diuisim pro tribunali sedente

The said day the personis of inqueist quhilks war chosin admittit and suorne of befoir for seruing of Elizabeth Forbes brevis of terce the relict of umquhile Patrik Barclay of Towy of ane ressonabill terce of All and sundre the landis and anuell rentis in the quhilks hir said umquhile spous deit last vestit and sasit as of fee etc liand within the Shrefdome of Abirdene That is to say Thomas Chene young lard of Essilmonth Alexr Leslie of Petcapill James Gordoun of Creichie Willeame Lesk of that ilk Willeame Spens of Boddum Willeame Straquhyne of Glenkyndy Robert Cultis of Auchtercoull Alexr Buchane of Auchmacoy Alexr [Chalmer] of Cultis Alexr Skeyne of that ilk Willeame Cheyne of Arnage Alexr Tulledef of Ranistoun Alexr Chalmer of Balnacrag Thomas Fresser of Belty-Fresser and Johnne Chene of Crabstoun being lauchfullie summound and warnit be vertew of my lord Srefis precept at command and charge of oure Souerane lord and ladiis letters direct to the said Sref and his deputis thairapoun to compeir this day in the tolbuytht of Abirdene and to deliuer affirmatiue or negatiue upoun all the pointis of the said Elizabeths breif of terce foirsaid ilk persone for thame self under the pane of ten pundis and in caice ony of thame war deid seik or furtht of the realme thair was utheris summond to compeir the said day and place to be adminit in thair places for to deliuer affirmatiue or negatiue upoun the points of the said breif under the pains foirsaid And the saidis personis of inqueist being callit comperit all except Willeame Spens of Boddum quhilk was seik and verefiit be ane testimoniall of his curat and be uther famous witnes in jugement And except Thomas Fresser of Belty-Frasser quhilk being oft tymes callit and nocht compeirand nor in lauchtfull excuiss maid for him lauchtfull tyme of day biddin Quhairfoir he was put in Amerciament of the court of ten pundis conforme to the said letters and my lord Srefis precept direct thairupoun And that was gevin for dwme be the mowtht of James Penland dempstar of the Court for the tyme And Maister George Forbes

procuratour for the said Elet protestit that the absens of the said Thomas Fresser be nocht preiudiciall nor hurt to the said Elizabethis actioun and caus and for remeid of law agains him for absenting of him self and postponing of hir caus quhene tyme and place requirit one the quhilk he tuik act of court and instrument And als the said Maister George tuik act of court that Wm. Straquhyne of Tibbartay was admittit be the lard of Towy and Maister Thomas Fresser his prolocutour to be adminit to the inqueist afoir writin in place of Wm Spens of Boddum quha was seik as said is

(Eo. die)

The said day Alexr Cuming of Cultir Willeame Oudny of that ilk Johnne Pantoun of Pettmadden and Gilbert Reid of Colistoun being summond to this day to haue bene adminit in the places of the personis of inqueist afoir writin that hapenit to be deid seik or furth of the realme and nocht compeirand lauchtfull tyme of day biddin thai and ilk ane of thame is in amerciament of the court of tene pundis eftir the forme of our Souerane lord and ladiis letters direct thairupoun and that is gevin for dwme be the mowth of James Pentland dempstar of the Court for the tyme

Sederunt of a Head Court and List of Absent Barons[1]

Curia Capitalis vicecomitatus de Abirdene tenta in pretorio eiusdem decimo die mensis Januarie Anno Domini millesimo quingentesimo quinquagesimo Octauo per honorabiles viros Willelmum Leslie de Kirkhill et Georgium Bissat burgenses de Abirdene vicecomites deputatos dicti vicecomitatus pro tribunali sedente etc Quo die sectis vocatis curia legittime affirmata fuit

Nomina absentium

D	de Erroll	D.p.s.[2]	D	de Brothik	D.p.s.
D	de Forbes	D.p.s.	D	de Phillorth	D.p.
D	de Elphinstoun	D.p.s.	D	de Baquhallie	D.p.
D	de Erskyne	D.p.s.	D	de Oudny	D.p.
D	de Buchane	D.p.s.	D	de Awdane	D.p.

1 This is the only complete example in Vol II. Read along with the list of Assize, who served on the same date (*supra* p. 132), a tolerably accurate estimate may be arrived at of the numbers who were bound by the terms of their Charters to be present or represented. In Vol. I. of the old Spalding Club, p. 111, will be found a similar example taken from the earliest Diet Book (January 1503-4).

2 If this entry were to be extended fully, it would read "Dominus de Erroll amerciatur in defectu presencie et secte."

D de Scheves D.p.
D de Drumbrek D.p.
D de Newtoun de Scheves D.p.s.
D de Innerallochuhy D.p.s.
D de Straechin D.p.
D de Kyndrocht Gordoun Ogilby D.p.s.
D de Udo Forbes Copland D.p.s.[1]
D de Mekill Bicht D.p.s.
D de Mekill Fintra D.p.s.
D de Litill Fola D.p.s.
D de Allathane D.p.s.
D de Brodland Ratra D.p.s.
D de Auchincreif D.p.s.
D de Essilmond D.s.
D de Curtastoun D.p.s.
D de Auchterless Meldrum Dempstar D.p.s.
D de Frendrecht D.p.s.
D de Fyve D.p.s.
Idem pro terris suis de Durlathris D.p.s.
D de Sonahard D.p.s.
D de Culter Tulleboy D.p.s.
D de Drum D.p.s.
D de Johnstoun D.p.s.
D de Kennerty D.p.s.
D de Thainstoun D.s.
D de Carnetrailzeane D.p.s.
D de Cultis on Deesyid D.p.s.
D de Tullehekeis Burnet D.p.
D de Balmaid D.p.s.
D de Ardmordo D.p.s.
D de Gylkemstoun et Carvechin D.p.s.
D de Portastoun D.p.s.
D de Tollie Forbes D.p.s.
D de Brux D.p.s.
D de Auchterarne D.p.s.
D de Sonabith D.p.s.
D de Lumfannane D.p.s.
D de Auchtercoull D.s.
D de Innerarnane D.p.s.
D de Johnisleyis D.p.s.
D de Lenturk D.p.s.
D de Halheid D.p.s.
D de Glenchutill D.p.s.
D de Petmadden Abercrummie D.p.s.
D de Petcapill D.p.s.
D de Bahagarty D.p.s.
D de Auchlevin Forbes Ogilby D.p.s.
D de Boddim D.p.s.
D de Ardwne Ogilby Dun Setoun Johnstoun D.p.s.
D de Kyngudy D.p.s.
D de Monycabok D.p.
D de Drumblait D.p.s.

Miscellaneous

I.

(Circa May or June 1560)

The said day in the actioun and caus movit and persewit be Maister George Johnstoun burges of Abirdene agains Maister Johnne Chalmer in Grandoun be vertew of my lord Shreffs precept of Abirdene tueching twa barrellis salmond full rede and sueit to haue bene payt to the said

1 Where the name of more than one person occurs after the place name, the meaning is that part of the land belongs to each.

Maister George be the said Maister Johnne at ane terme of lang tyme bigane be vertew of the said Maister Johnnis obligatioun subscriuit with his hand at Grandoun the ferd day of Februar yeir of God ane thowsand fyve hundreth fyftie aucht yers like as in the saids obligatioun and precept at mair lenth is contenit Comperand Alexr Paip procuratour for the said Maister Johnne lauchfullie constitute and confessit the said obligatioun of strenth and recognoscit the samen in Jugement And in respect thairof the Shreffs deputts forsaids decernit and ordanit the said Maister Johnne Chalmer to refound content and pay to the said Maister George Johnstoun twa barrellis salmond full rede and sueit within terme of law and ordanit precepts to be direct to poynd for the samen gif neid war one the quhilks the said Maister George tuik act of court

II.

(Circa May or June 1560)

The said day Dauid Fergussone is chargit till fynde sufficient souerteis till George Quhyite actit in this buikks within aucht dayis nixt hereftir followyng for sevin marks scotts money to be payit to the said George betuix this and Andermes nixt And failzeing that he act nocht cautionaris as said is within aucht dayis the said Dauid to rander and deliuer agane to the said George the twa horss acclamit be the said George als gude as thai ar this day within thre dayis nixt eftir the saids aucht dayis be bigane One the quhilk the said George tuik act of Court and instrument

The Diet Books: Vol. III., 1573/4-6.

This is a fine specimen of the penmanship of the time and is perfectly preserved. The volume consists of about 500 closely written pages, each page containing on a rough average about 430 words, so that, if printed in its entirety, it would be equal in size to one of the larger of the Club's books. The separate entries number about 650; but many are of a mere interlocutory character, and of these a considerable proportion have been omitted. An effort has been made however to notice in the subjoined table every separate case that occurs in the original. It is quite evident from their appearance that the entries were not made in court, but are a careful transcript from a rough minute book or from notes. Subject to the remarks made in the introduction, with regard to the entry at the end of the volume of an extract valuation of the County made in 1548-9, the entries occur in regular sequence from 12th January, 1573-4 to 9th October, 1576, and appear to give a fairly full and accurate account of the business of the court for the period, on the civil side. Now and again one notices that although a case has been continued to a particular day, there is no entry regarding the case on that day, and occasionally an unfilled up blank space occurs where there ought to be a fully extended decree. Of this last a provoking example occurs in November, 1574, where no less than seven pages are left blank for what was evidently a local cause célèbre, namely the dispute about the boundaries of Nether Dyce. While it is the case that from and after the date of the opening entry the volume is complete, it is not clear that some portion earlier in date may not be lost. Too much importance must not be attached to the scribbling, which is so plentifully found on the fly leaves or title pages of these volumes; but some is found in this case which is clearly of an official character. We find on one of the leaves bound up at the beginning of the book the official notarial sign and subscription of William Bruce, who was unquestionably Sheriff Clerk depute about that period, and the statement "This buik pertinis to Williame Bruce." In another place there had been written these words: "Ex libris Willelmi Bruce et amicorum 1570"; but these words are

scored out and under the deletion is this writing: "Tandem postea ad nobilem et potentem Dominum Georgium comitem de Huntlie Dominum Gordoun et Badzenocht vicecomitem principalem de Aberdene pertinet hic Liber 1570." That William Bruce was Sheriff Clerk depute in 1571 is proved from an entry in the Register of the Privy Council (27th August, 1574, vol. II., page 394), when an act of the Sheriff Court, dated at Rhynie in 1571, signed by him was produced. It is therefore obvious either that the title page dated 1570 belonged to an earlier book now missing, or that a portion of the existing volume, at least equal in bulk to what has survived, has been lost. The entire absence of acts of caution of all kinds, or even of a single reference to crime or quasi-crime is most noticeable; but only goes to prove what is suggested by its appearance, that the volume is a careful copy taken from what was written in Court at the Clerk's table of all entries relating to the civil business of the Court and nothing else. It has been found very difficult to select illustrative examples from this volume owing to the voluminous nature of the cases which are specially interesting, but an attempt has been made to do so without unduly transgressing upon space which is necessarily limited.

Table of Contents of Vol. III. of Diet Books

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1573-4. Jan. 12.	List of Jury on Inquests.	James Gordoune of Meythlik. Thomas Fraser of Strequhin. John Mortimer of Cragivar. John Fraser of Creichie. William Cuming of Inneralloquhy. Mr. James Heruy of Boyndis. Alexander Tullidef of Ranistoun. Robert Gordoun of Halheid. Thomas Copland of Udaucht. Thomas Con in Auchrye. John Meldrum in Tullielt. Patrick Leslie of Flendir. Thomas Cuming in Kylduthy.	
	Service. Terce.	Margaret Ogiluy widow of Alexr. Gordoune Fiar of Cluny.	Dominical Lands called Mains of Cluny, Banzeaucht Bog, the Perkvod, Mill of Cluny, Skippertie, Litill Sauchin, Tullemair, Bog of Cragerne &c. &c. In the Barony of Cluny.
	Service. Terce.	Kathrine Chalmer widow of Duncan Forbes in Blairfull.	Six bovates of Drumrossie in Barony of Bairins.
	Special Service.	Patrick Con grandson of Alexr. Con.	Half Lands of Litill Auchrye and Wodheid in the Barony of Kyneduard. Old value £3. Present value £12. Held blench of the Laird of Brux. In non-entry 13 years.
	Special Service.	Patrick Con son of Mr. Wm. Con of Auchry.	Half Lands of Hairmoss Barony of Udaucht. Old value 30/- Present value £6. Held blench of the Laird of Brux. Six years and two months in nonentry by death of Mr. Wm. Con.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1573-4. Jan. 12.	Removing, Decree of	John Stevart of Balfuyr *v.* Andrew Craufurd	From Wastir half of Balfuyr Parish of Birse. Sasine dated 17 May 1570. Mr. Wm. Andersoun, Notary.
	Procuratory.	Wm. Stewart in Myirden.	Appoints Mr. George Barclay, Alexander Paipe and Androw King procurators in all his actions.
	Eviction, Action of, and Protestation.	Patrick Cheyn of Easilmontht *v.* George Baird of Auchmedden.	Interlocutor repelling Defences and allowing proof, on which Defender protests that the Pursuer is at "the horn" and denounced rebel.
13.	Removing, Decree of.	Thomas Meldrum portioner of Haiddoch *v.* John Raif.	Four oxingang of the Schado pleucht of his half landis of Haddoch Barony of Fyvie. Sasine 4 Febry. 1568-9. Notary Mr. Androw Thomsoun.
	Abstracted Multures, Action for. (Infra 31 July)	William Craufurd of Annoquhy *v.* John Fraser of Kinbog.	Charter and Sasine produced. The latter dated 18 August 1568. Schir Johnne Huicheon Notary. Defences ordered.
14.	Removing, Action of.	Thomas Crag, portioner of Balmalie *v.* Wm. Crag of Cragisfintray.	Parts of Balmalie, one part called "the Lang Ley and Cowan hillok of the Intoun of Balmalie." Continued to "Palme Sunday Evin nix to cum."
	Spuilzie, Action of.	Wm. Strauchauchin of Glenkyndye *v.* Wm. Gray, portioner of Barrak.	The pronounciation of Interlocutor continued to "Candilmes Evin in hoipe of freindlie dres and concord."
	Removing, Decree of.	John Gordoun of Carneburro *v.* John Elrik.	"Four oxingang of the intoun of the landis of Carnegall" parish of Pettirugy. Sasine 15 and 16 Decr. 1555. Notary Mr. Williame Jamesoune.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1573-4. Jan. 14.	Removing, Decree of.	John Gordoune of Glenbuchet with consent of Elizth. Banerman his wife *v.* Wm. Andersoun in Drumnahuif.	Toun and landis of Badinzone. Occupation to Whitsunday 1572. Parish of Glenbuchet. Sasine 10 Septr. 1572. Notary James Strauchanchin.
	Removing, Decree of.	Do. *v.* Do. designed of Drumnahuif.	Toun and landis of Badinzone. Occupation to Whitsunday 1573.
	Violent Intromission and Eviction, Decree.	John Gordoun of Cluny *v.* Robert Ross in Birssmoir and others.	Defenders ordered to cease from occupying the "tak toun and landis of Birssmoir" Pariah of Birss, "Shyir and Barrony of Birss."
Febry. 1.	List of Jury for Inquest.	William Cheyn of Arnege. Alexander Innes of Ardgrayn. John Fraser of Kinbog. Robert Annand in Auchry. John Chein in Piltauchy. James Chein in Kingisfurd. Mr. Robert Chalmer burgess of Abirdene. John Robertsoun, burgess of Abirdene. Ieronimus Blak, burgess of Abirdene. William Smyth in Byrnes. Thomas Banerman.	
	Special Service.	Robert Andersoun son of Wm. Andersoun in Tullidesk.	Annual rent of £16 from Lands of Ordmiddill in Barony of Auchterles-Dempster. Also Shadow half of Miltoun of Collistoun in Barony of Balhelvy. Held blench of James Dempstar of Auchterles. In non entry since Martinmas.
	Peremptory Exception, Action of.	James, Lord Invermeyth *v.* Agnes Betoun Lady of Kelly and George Gordoun of Scheves her spouse.	Evidently an action collateral to another between the parties. Proof was partly led and interesting reference made to citation of witnesses in the Diocese of Brechin.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1573-4. Febry. 1.	Payment, Action for.	Walter Ogilvy of Baldany *v.* Alexr. Keyth of Reidhyife, Andrew Keytht of Ravynscrag and Wm. Keyth of Balmure.	An action for 1000 merks assigned to the Pursuer by Dame Christian Keyth his mother. The debt was apparently constituted by a Contract registered in the "Shref Buikis of Abirdeine" on 29 Jany. 1564, under the subscription of the late Mr. Andrew Leslie Sheriff Clerk. Various pleas stated. Case continued to 2 March. On 29 May there was produced for the defence a discharge of the 1000 merks signed by John Creychtoun of Ruthvens at Cragboyne on 6 Novr. 1572.
	Spuilzie, Action of.	James Wilsoun alias Cuik in Dynneduir *v.* Alexr. Makky at Mill of Dunneduir.	Half a boll of market malt extending to 18 pecks, price 6 merks with "ane new sek" price 13/4. In absence of Defender, admitted to Pursuer's probation on 2 March.
	Wrongous Intromission, Action of.	Robert Cultis of Ouchtercoull *v.* George Gordoun of Lesmoir.	"Ane meir of gray cullour of three yeiris of eild or thairby." Defences ordered by 2 March.
	Spuilzie, Decree of.	Edward Fraser in Faithlie *v.* Thomas Joffray in Quhyitsyid.	"Ane blak hors of four yeir auld" taken from Fraser's "maling of Houssahill" in July 1572. Value of horse as stated by the Pursuer was £20. As fixed by Sheriff deputes £10. £41 was asked for the "wark laubor hyirgang and waigis" of the horse over and above its value, but nothing was given.
	Cognition, Decree of.	Maister George Myddiltoune, burgess of Abd. and Elet. Irving his spouse *v.* Alexander Annand of Ouchterellone and others his tenents in Over Mondurno.	Myddiltoune and his wife owned "Neddir Mondurno and Torbothehill" in the Barony of Fyvie and Regalitie of Abirbrothok, in virtue of a Charter granted by Lady Jane Keith, Lady Glammis, with consent of John Lord Glammis, her husband dated at Glammis 6 Novr. 1566, and Instrument of Sasine under the hand of Mr. John Kennedy, Notary, dated 19 Decr. thereafter. The Defender Annand and his tenants had been molesting the Pursuers in part of their lands and were by this Decree forbidden to do so.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1573-4. March 2.	Cognition, Decree of.	William Strauchauchin of Glenkyndy *v.* William Gray fewar of the third part lands of Barrak.	The Pursuer was Proprietor of Auchnagat in the Barony of Kelly and specially of Touxhill as part thereof. In evidence of title his Sasine dated 20 Febry. 1566-7 was produced. Notary Schir Williame Proctur. The Defender was ordered to desist from molesting Strauchauchin.
	Spuilzie. Decree.	Henrie Duf in Auchincloch *v.* Alexander Many there.	"Tua pleuch draving oxin ane thairof blak, quhyit hornit and the uther blak gray hornit." The animals were said to have been taken "ane nycht immediatlie preceiding Bartholmas Evin in August 1556 furth of the boggis at the Walkmiln of Beltye." £10 each was the Pursuer's price, while the Court awarded 10 merks. Six firlots of meal per ox per annum was given for loss of profit which was to be converted into money "according to the feiris of the yeiris." The oxen were being taken to Barthol market.
1574. April 3.	Removing Decree Absolvitor.	Annabell Abell Widow of John Andersoun, burgess of Aberdeen and wife of Archibald Keyth, with his consent *v.* Isobell Abell, widow of Alexr. Fraser and George Keyth now her husband.	From 8 roods of land in the Burgh and Territory of Kintore, which are described. There was produced an extract from the Commissary books, under the hand of Mr. John Chalmer, Clerk of the Commissariat, of a Contract containing a title to the Defenders to occupy during the Pursuer's lifetime, which was given effect to.
		(About two pages left blank here)	
	Transferring, Decree of.	Elet. Ross widow and executrix of Monone Hog in Blaredryne *v.* James Dempster of Ouchterles.	The late Monone Hog's right to do diligence against the Defender for £90 is by this Decree transferred to the Pursuer, his widow. The confirmed Testament of the deceased was produced signed by Mr. Thomas Burnet, Commissary and Mr. John Chalmer, Commissary Clerk.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574. April 3.	Rent, Decree for.	James Wilsoun in Dynneduir *v.* Alexr. Leyth.	Rent of "Neddir Croft of Dynneduir" conform to the confession of the defender, and in terms of a Decree Arbitral dated 25 May 1573, James Gordoun of Tullyangous, John Farquharsoun of the Newtoun of Garvie and Johnne Leslie in the Law being the Arbiters.
20.	Head Court.		List of Absent Barons fined. The Sheriffs depute presiding were Patrick Gordoun, John Gordoun of Avachie and Mr. Gilbert Bissat "conjunctim et divisim."
	List of Jury for two following Inquests.	John Lyon of Comalegy. John Leyth of Midill Disblair. Thomas Copland of Udaucht. William Craufurd of Annoquhy George Bard of Auchmedden. William Strauchauchin of Glenkyndy. Patrick Leyth of Harthill. Alexander Burnet of Craigour. John Fraser of Crechie. Thomas Fraser of Strechin. Mr. John Gray. John Leslie of Buchanstoun. James Gordoun of Tullyangous.	
	Special Service.	Andrew Kyng son of Robert Kyng burgess of Abd.	The third part of the sunny half of the shadow town and lands of Cremound in the Barony of Johnstoun, held blench of the Laird of Johnstoun. Old value 20/- Present value 5/-
	General Service.	Andrew Leslie son of William Leslie of Neddwik or Nedderik.	

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574. April 20.	List of Jury on following Inquest.	James Gordoun of Haddoch. William Forbes of Tulquhone. William Craufurd of Fedderet. Patrick Cheyn of Essilmonth. Robert Forbes of Eycht. Alexr. Tullidef of Ranistoun. George Gordoun of Auchmanzie. Mr. William Gordoun of Terpersie. Andrew Meldrum of Darley. Alexander Meldrum of Bogheidis. John Mortimer of Cragivar. William Strauchauchin of Glenkyndy. Alexr. Buchan of Auchmacoy. William Setoun of Meldrum. William Leyth of Likliheid. William Leyth portioner of Barnis. Mr. James Heruy of Boyndis.	
	Service. Terce.	Agnes Wod widow of John Leslie Fiar of Balquhane.	Barony of Balquhane Lands of Inneramsay, Petbie and Newlands in the Barony of Balhagartie.
21.	Removing, Decree of.	William Setoune of Meldrum *v.* Williame Setoune.	"The sone four oxingang of the sone pleuch lands of the Kirktoun of Balheluy" in the Barony of Meldrum. Sasine produced dated 23 Febry. 1533. Notary Mr. Johnne Howesoune.
22.	Intrusion, Action of, and Decree for Violent Profits.	Mr. Wm. Carnegy of Over Ruthvens *v.* Alexr. Waus.	The proprietor had obtained Decree of Removing in the Court of Session and had warned the tenant to remove at Whitsunday 1569. This is a Decree for the yearly loss sustained by the tenant remaining in possession until Whitsunday 1573. The details are interesting. Pursuer's Sasine was dated 31 May 1568. Notary Mr. Wm. Andersoune.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574. April 22.	Violent Profits. Decree of Liquidation.	The same *v.* The same.	This seems to be, except in name, to all intents and purposes, a repetition of the foregoing Decree.
May 29. ? April.	Payment of an Annualrent. Decree for.	Agnes Betoun Ladie of Kellie and George Gordoun of Scheves her husband *v.* James, Lord Innermeith.	Arrears of an annualrent of four chalders of victuall, two parts meal and three parts bear, out of the Lands and Baronies of Innermeith, Innerkeillor and Lathers in the Sheriffdoms of Forfar and Aberdeen. This Decree contains a statement of the Defence which was set up. The price of the victuall was fixed at 50/- per boll overhead.
May 4.	Liquidation, Action of.	Edward Fraser in Faythlie *v.* Thomas Joffray in Quyitsyld.	Here is recorded the result of a proof as to the amount of the "accessour or excrescent" profits of the black horse for the spuilzie of which Decree was given on 1 Febry. Four witnesses swear "that the profeit and excressens of ane hors daylie will extend to xii d usuall monie lik as thai use daylie to hyir horss to nichtbouris within this burght."
20.	List of Jury for Inquest.	Alexander Gardyn of Blakfurd. Alexr. Irving of Ordley. Thomas Allardes of Thomastoun. William Meldrum of Kinbleyn. George Meldrum of Ardfork. John Ogstoun in Turref. John Meldrum at Mill of Tullielt. Alexr. Meldrum of Bogheidis. John Meldrum of Jakistoun. Mr. George Johnston burgess of Abd. Alexander Donaldsoun do. John Knovis do. William Mackartnay, Scribe.	

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574. May 20.	Special Service. (*Inq. Spec. Abd. No. 47.*)	Elet. Tulloch daughter of John Tulloch portioner of Moncuffir.	The Shadow half town and lands of Foulsie and Auchnagorth in the parish of Kingedward. In non entry 19 months.
	Liquidation, Decree of.	Fraser *v.* Joffray.	In accordance with the evidence the loss of profit incurred through the spoliation of the Pursuer's horse was fixed at xii d per diem. The pursuer asked 3/- per day.
29.	Removing, Action of.	Henry, Lord Sinclair *v.* John Turnour.	Continuation to "Midsummer Evin."
	Cognition, Action of.	Edward Fraser in Faythlie and Marjorie Quhyit his wife *v.* Alexr. Fraser of New Forrest.	Dispute as to marches between the lands of Newburgh of New Forrest and Mains of Forrest in the Barony of Anden. Pursuers produced Charter by Defender's father John Fraser, dated 6 Novr. and Sasine dated 10 Novr. 1571.
	Liquidation, Action of.	John Gordoun of Cluny *v.* Robert Ross in Birsmoir.	Action wakened and proof led.
June 8.	Removing, Decree of.	Alexander Gordoune of Abirzeldy *v.* George Gordoun of Lesmoir and others as principal tenants.	Davaucht town and lands of Stering in the Lordship of Aboyne. Sasine produced dated 31 May 1569. Notary Thomas Davidsoun.
9.	Appointment of Mair depute.	Alexr. Johnnestoun.	Specially appointed to summon Alexr. Leslie of Neddir Dyce.
	Revocation of Deeds done in minority.	Issobell Murray "dochter naturall and lauchtfull" of the late Mr. Gilbert Murray burgess and wife of Wm. Bruce burgess.	Comes before the Court without her husband, recals deeds done in minority and swears that she does so of her own free will.
10.	Removing, Action of.	James Clark in Middiltoun of Knokinblevis and Margaret Christesoun his wife *v.* Alexr. Wilsoun.	The "Ailhous and Ailhous croft of Logydurnocht" in the regalitie of the Garioch. Sasine dated 26 Septr. 1573. Notary Mr. Andrew Thomesoun. Defender produced a lease under the hand of James Arbuthnot and the case was continued so that Arbuthnot might be called. John Leslie of Ardlay was cautioner for the violent profits.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574. June 12.	Removing, Decree of.	Margaret Burnet and George Forbes her spouse *v.* John Blakhall in Mill of Fynnersy.	One third liferented by female pursuer of the Mill, Mill lands, Multures &c. of Fynnerseis. Sasine produced dated 23 Septr. 1569. Notary James Reid.
17.	Removing, Action of.	George Gordoune of Lesmoir *v.* Alexr. Leslie of Petcapill and Henry Leyth of Ryhill.	Lesmoir was principal tenant under Lord Huntly of Quhyithillok and four oxingang of Poonuid (Powneed) in the Parish of Kabracht. The defenders, who were in actual possession, resisted the application for their removal, and *inter alia* objected to the competency of the Court, inasmuch as the Sheriff depute was the nominee of Lord Huntly the Sheriff, who was bound to warrant Lesmoir's title and therefore an interested party. Other pleas were stated, which disclose that Petcapill had a regular residence in Old Aberdeen and Leyth a house at Bogfarlaw in the Freedome of Aberdeen. The case continued to Midsummer Even for judgment; but no farther trace has been found.
	Removing, Decree of.	George Gordoune of Lesmoir *v.* William Gordoune of Arradoull, Andrew Huid in Allivallaucht, Thomas Ferrour, Wm. Elleis in Pownuid, Geo. Gordoun of Crechie, Geo. Leytht in Edingarreaucht, Alexr Leytht of Quhyithaucht, James Gordoun of Tulleangous, Edward Thomesoun in Quhyithillok, James Malcome in Auldetoun and Wm. Huid in Largy.	This was a similar action to the preceding but the defenders did not appear and Decree was pronounced. The lease by the Earl to Lesmoir was dated 14 April 1573. The other places mentioned as tenanted are Auchmair, Wester Badeley and Badeley.
	Removing, Decree of.	Alexander Leslie of Petcapill *v.* Patrick Gordoun of Brakco.	The Pursuer held the "Northsyid landis of Duchreis" in the parish of Une (Oyne) in wadset, his Sasine being dated 6 March 1565. Notary William Thomesoune.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574. June 19.	List of Jury for Inquest.	William Craufurd of Fedderet. John Pantoun of Petmedden. Robert Turing of Fouerne. William Turing of Arday. Walter Wod of Fettercarne. John Pantoun, portioner of Tullemad. Andrew Keyth of Ravinscrag. William Keyth of Ludquharne. Gilbert Collisoun, burgess of Abirdeine. Patrick Gray do. Mr. Robert Lumsden of Clovayth. Andrew Udny of Tullery. John Gordoun of Auchmacher. Andrew Tullidef, apparent of Ranistoun. Alexander Garesnch, portioner of Mamelay.	
	Special Service.	William Udny son of Wm. Udny of that Ilk.	Lands of Udny with Mill. Auchloun, Crabedenno, Mynnes with mill &c. &c. in Lordship of Udny. In non entry a month and twenty days.
	Removing, Action of.	Alexander Innes of Ardgrayne *v.* John Pantoune of Petmedden and John Pantoune son to Wm. Pantoune in Cray.	The Defenders were the principal tenant and sub-tenant "of the sone third pleuch of the toun and landis of Wodlands" in the Barony of Monycabok. They appeared personally and admitted that they had no title to continue in possession, whereupon a new lease for a year was agreed upon, the terms of which are engrossed in this entry.
	Removing, Decree of.	Parties as above.	Notwithstanding of the foregoing arrangement, Innes who is described as "Bailzie and Takisman" of the lands, here takes Decree of Removing.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574. June 19.	Removing, Decree of.	Grissal Auchinlek and Alexr. Innes of Ardgrayn her spouse *v.* John Ray and Andrew Strauchauchin.	The female pursuer was liferentrix of Litill Drumquhendill in Methlick. Her title was a lease granted as the result of an arbitration between her and Gilbert Reid of Collistoun her son dated 8 Decr. 1546.
23.	Removing, Decree of.	George Lord Gordoune assignee of his father the Earl of Huntlie, with consent of his father as his "tutor gyder and gouernor" *v.* Elet. Gordoune and John Bailzie her husband.	Four oxingang of the lands of Carnequholpe in the Lordship of Huntlie alias Straythbogy. The Earl had the gift of the non-entries &c. of the Earldome of Huntlie which he had assigned to his son. The Extract of the gift was dated 21 April 1567 and the Assignation 30 Jany. 1573-4. The bench was fortified by specially appointed Sheriffs depute viz. :—Mr. Patrick Rutherford, Mr. George Myddiltoun, Mr. Gilbert Bissat and Patrick Gray.
	Removing, Decree of.	George Lord Gordoune as above *v.* Allister Smyth and Alester Sandesoun.	The Lands of Meikill Kandmoir. The remainder of Decree as in the foregoing.
	Cognition, Action of.	Robert Innes of Innermarky and others *v.* Mr. Robert Chalmer burgess of Aberdeen and others.	Objections to witnesses. The special deputes had now left the bench, Mr. Gilbert Bissat alone remaining.
	Removing, Decree of.	John Pantoun of Petmedden *v.* Patrick Udny.	Ailhous and Ailhous Croft within the Mains of Petmedden and Barony of Slains. Sasine dated 9 Septr. 1563. Notary the late Mr. James Stevin.
	Removing, Decree of.	Patrick Leslie of Kincragy *v.* David Duncansoun and others.	Mill of Kincragy Midill Pleuch of Kincragy Auld Burn Croft Torreis all in the parish of Tollie. Sasine dated 5 July 1563. Notary Mr. Wm. Setoun.
	Removing, Decree of.	Alexander Cruikschank Burgess of Aberdeen *v.* Robert Wicht and Wm. Wicht.	The "sone pleuch of Sauchinlone" in the Barony of Wranghayme. Sasine dated 28 June 1565. Notary David Setoune.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574. June 23.	Removing, Decree of.	Alexr. Cruikshank Burgess *v.* Jonet Leslie relict of the late George Mortimer portioner of Auchtquhorteis and Gilbert Knovis burgess of Abd. her husband.	Overtoun of Auchtquhorteis. Sasine dated 22 April 1570. Notary David Setoun.
	Removing, Decree of.	Andrew Hunter burgess of Abd. *v.* Patrick Symsoun in Carnebady and others.	Haltoun of Lumphannand in the Barony of Oneill. Sasine dated 3 Novr. 1563. Notary the late Thomas Belty.
	Removing, Decree of.	Wm. Hay son of umqll. John Hay of Cremoundmogat and his curators *v.* James Sangster.	Mill of Cremoundmogat. Sasine dated 4 June 1565. Notary Gilbert Kelo.
	Removing, Decree of.	Wm. Leslie of Wardres *v.* Patrick Lesly Andrew Leslie and their subtenants.	Quhyithill of Glanderstoun, Rothmurreall, Ardune, Brewhous and Brew Croft thereof, Dynneduir, Mill of Knokinbaird and Pikemanschipe thereof &c. &c. &c. (a long list). Sasine dated 4 Augt. 1557. Notary Wm. Thomesoune.
	Removing, Decree of.	John Gordoune of Cluny *v.* Thomas Cuik in the Perk of Cluny and others.	Mill of Cluny in the Barony of Cluny.
	Removing, Decree of.	Wm. Leyth of Likliheid *v.* Nicolais Russel and Malie Tailzeour his wife.	Four oxingang of Auchlevin in the Regalitie of Gareaucht.
	Removing, Decree of.	Thomas Ord of Findauchie *v.* Thomas Smyth and Patrick Wodman.	Decree in absence against Smyth to remove from the sone half of the Mill Millands &c. of Boquhendauchie and Wodman from the Schado half of the lands of Baquhendauchy. Wodman declined to remove and produced a lease dated 6 June 1664 and case against him was continued to 12 July. The Pursuer's Sasine was dated 12 Febry. 1564.
	Removing, Decree of.	James Gordoune of Tilliangous *v.* Alexr. Gordoun and others.	Holdings in Scorredarg.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574. June 23.	Removing, Decree of.	Dame Jane Gordoune Lady of Fyvie *v.* John Smyth.	Houses, biggings and a croft of Litill Guirdes.
	Implement of Lease, Action for.	Robert Irving of Lastis *v.* Andrew Christall in Bogfarlaw.	At this hearing it was alleged on behalf of the Defender that he was a dependant and servant to John Forbes and therefore exempt from the Jurisdiction of the Sheriff Court of Aberdeenshire; but the objection does not seem to have been insisted in and was repelled.
	Wrongous Intromission, Decree for.	Robert Cultis of Auchtercoull *v.* George Gordoune of Lesmoir.	A three year old gray mare belonging to the Pursuer strayed or was stolen from the Forest of Corgarff in June 1569. The mare, which was ear marked, was found in Lesmoir's possession in the Forest of Garbit in July 1573 and was challenged. The animal was not given up and this action was raised for delivery of (1) The mare (2) a two year old foal (3) a one year old foal or (1) 20 merks for the mare (2) £10 for the two year old and (3) £6.13.4 for the one year old. Altho' the Defender did not appear, evidence was led and Decree passed for £10 for the mare and £10 for a two year old foal with £3 of expenses.
	Protestation.	Alexr. Fraser of New Forrest *v.* Edward Fraser in Faythlie.	That if Edward Fraser his vassal succeed in his action against him he shall "Incur the paines of Law provydid agains the Wassall persevand his Our Lord in Judgment."
	Protestation.	Williame Thomesoune in Weittis *v.* Wm. Leslie of Wardres.	The Laird of Wardres having withdrawn from an action of Removing against Thomesoune the latter protests for his expenses.
	Protestation.	Andrew Leslie in Arnehall *v.* Wm. Leslie of Wardres.	Protests for action of warrandice against Leslie as heir of his father Alexr. Leslie, from whom he holds a lease for a term of years still unexpired.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574. June 25.	Spuilzie, Action of.	Alexr. Lealie of Nether Dyce and Wm. Moir *v.* Mr. Geo. Johnstoun Burges of Aberdeen and another.	A Diet of proof. The objections to witnesses and whole entry most interesting.
	Cognition, Action of.	Mr. Geo. Johnstoune *v.* Alexr. Lealie.	Dispute about the boundaries of Over and Nether Dyce. This is really the cross action to the one immediately preceding, and the entry is of the same interesting kind. A Bounding Charter of King Robert the Bruce the 11th year was produced.
28.	Removing, Decree of.	Dame Jane Keyth Lady Glammis *v.* Thomas Couper and others Tenants in Belhelvy.	The Lady's Sasine was produced dated 17 March 1544. Notaries Messrs. George Middletoune and Patrick Ogstoun. Most of the tenants appeared but did not oppose. One however Wm. Muk alias Johnnstoun averred that he was entitled to sit during Lady Glammis' lifetime and referred the truth of his statement to her oath. In respect of her "Inhabilitie" Commission was granted to the Clerk "to pas and exeme the said lady" at her expense.
July 3.	Removing, Action of.	Alexr. Irving of Belty *v.* David Irving.	Continued. Subjects Hill of Belty. Sasine dated 9 Augt. 1560.
12.	Cognition, Action of.	Mr. Robt. Chalmer Burgess of Abd. *v.* Alexr. Innes of Ardgrayne.	Cross actions of Spuilzie and Cognition between these parties are in full swing at this period. The bounds of Tullegreig seemed to be the central point of the litigation. At this diet of proof several witnesses were examined. William, Bishop of Aberdeen was called upon to exhibit "the register of the said Bishoprie" and did so by his procurator. A Notarial transumpt from the Register of Abirbrothok was also put in, the Notary being Wm. Bruce, "Scryib of the said Shrefdome."

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574. July 12.	Protestation.	Robert Innes of Invermarkie.	With reference to preceding entry.
	Removing, Decree of.	Patrick Leslie of Flender *v.* Williame Blyitht.	Walk Miln of Flender in Regalitie of Lundoris. Sasine dated the 6 day of 1555.
	Removing, Action of.	Wm. Leslie of Wardres *v.* Andrew Leslie of New Leslie and others.	Two ploughs of the lands of Ardune. Defenders produced (1) Instrument of the late Wm. Leslie of Insche dated 29 April 1555 (2) Instrument given to the late Geo. Leslie of New Leslie of same date (3) Andrew Leslie the Defender's Instrument dated 18 May 1574.
	Liquidation of Violent Profits, Action of.	Meriore Forbes Ladie Terce of Drumbrek and Alexr. Meldrum of Bogheidis her spouse *v.* John Reid of Aikinheid.	This case had been advocated to the Court of Session and remitted back to the Sheriff Court, and here is recorded the first Interlocutor.
	Removing, Decree of.	William Troupe, Wardar of the tua part lands of Begishill &c. and third part lands of Weddirburne *v.* Walter Wat and Jannet Thayne.	Ailhous and Ailhouse Croft of Begishill in Barony of Drumblait. Pursuer's Letter of Ward was produced but its date not mentioned.
	Removing, Decree of.	Alexander Erle of Sudirland *v.* Tenants of Ferrar.	Occupations on lands of Ferrar in Lordship of Aboyne. The date of the Sasine said to be produced is not given.
	Removing, Action of. (*Supra* 23 June.)	Thomas Ord of Fyndauchie *v.* Patrick Wodman.	Four oxingang of the Shadow half lands of Boquhendauchie in the Barony of Udaucht.
	Removing, Decree of. (*Supra* 17 June.)	Geo. Gordoune of Lesmoir *v.* Alexr. Leslie of Petcapill and Henrie Leyth of Ryhill.	Lands of Quhyithillok and 4 oxengait of Poneid in the parish of Cawbraycht. The Sheriff depute, Mr. Gilbert Bissat, repelled all the defences and granted decree.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574. July 14.	Delivery or payment, Decree of.	Patrick Leslie Burgess of Abd. *v.* Andrew Leslie in Ardoyne, Peter Cromby and John Lowrensone.	Andrew Leslie admits being due 9 firlots malt and a boll of meal without "Chereteis." Cromby admits 14 firlots malt and a firlot of meal also without "Chereteis" and Decree passed for the highest price. The other defender did not appear and the case was continued in order that the Pursuer's oath might be taken.
15.	Removing, Decree of.	Andrew Craik portioner of Girsahill *v.* William Craufurd.	"Tua oxingang landis of the Schado half lands of Girsahill" in the Barony of Fedderet. Sasine dated 2 April 1571.
	Payment (Teind Sheaves) Decree of.	Mr. Robert Lumisden of Clovayth *v.* Gilbert Tailzeour.	"Teynd Shaves of Meikill Drumquhendill" in the Parish of Ellone crops 1571 and 1573.
	Protestation.	Mr. Robert Lumsden of Clovayth.	Immediately after taking the foregoing Decree Lumsden protests "that his compearance alwayis suld nocht preiuge him of his preuilege of the Cheppall of Justice and als the exemptioune of my Lord Forbes to the qlks in caussis criminall he wald adheir to jois the preuilege tharof one nawayis passand nor declynand tharfra."
17.	Removing, Decree of.	Dame Annas Keyth, Countess of Moray with consent of Colyne, Erle of Ardgyll her spouse *v.* Henrie Wod.	Waistmeddow of Waister Fintray in the Barony of Fintray. The Countess was Conjunct Fiar of the lands and her Sasine was dated 25 July 1569.
22.	Removing, Action of. (*Supra* 3 July.)	Alexr. Annand of Auchterellone *v.* Alexr. and Robert Wod.	"Bewchlandis" as a pendicle of Mondurno. Sasine 9 January 1566. Caution found for violence and case continued to "Lammas Evin."

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574. July 28.	Cognition, Action of.	Mr. Geo. Johnstoun *v.* Alexr. Leslie.	Another diet of proof. Witnesses examined and witnesses repelled. Against one witness it was objected that he had neither "tak nor steiding," but on his swearing that he had 20 merks worth of geir he was admitted. "A Deidlie feid onreconselit" between a witness and some one supposed to be remotely connected with the opposite side is also brought forward discussed and repelled.
30.	Removing, Decree of.	John Gordoune of Carneburrow *v.* Andrew Elrik.	"The Intoune of Carnegall" in the Barony of Kelly. Sasine 15 and 16 Decr. 1553 (but see *Supra* 14 Jany).
	Removing, Decree of.	John Gordoune of Carneburrow *v.* Thomas Meldrum of Edene.	Lands of Corredowne "liand within the Erledom of Huntlie." The Pursuer produced a 19 years Lease granted by George Earl of Huntlie with consent of Elizabeth Countess of Huntlie dated 28 August 1561.
	Removing, Decree of.	John Gordoune of Carneburrow *v.* Alexr. Davidsoune.	"Neddir half of Westirpark" in Barony of Strathbogy. Sasine 15 and 16 Decr. 1553.
31.	Removing, Action of. (*Supra* 3 July.)	Alexr. Irving of Beltye *v.* David Irvine in Hill of Beltye.	Another diet when Defender produced a Lease which was challenged by Pursuer who alleged and undertook to prove that it was "fals feingzeit and simulat."
	Removing, Decree of.	Sir James Creychtoune of Frendraucht *v.* Thomas Boyne and Jannet Prat his wife.	"The Miln and Milnlandis of Ray" in the Barony of Frendraucht. Sir James was absent from the Kingdom but had granted a letter of Baillerie dated at Frendraucht 26 Septr. 1573 to George Creychtoune of .

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574. July 31.	Abstracted Multures, Decree for. (*Supra* 13 Jany.)	Wm. Craufurd of Annochie *v.* John Fraser of Kinboig.	Multures and Knaveships abstracted from Miln of Annoquhy due from two ploughs of Netherton of Creichie occupied by Fraser. Sasine produced dated 18 Augt. 1568 and various other Writs establishing Pursuer's title.
	Removing, Decree of.	Robt. Carnegy of Waister Kincardin *v.* Wm. Keir.	"The Eister sonne half landis of Nether Formestoune" in the Parish of Aboyne. Sasine dated 17 July 1573.
	Removing, Decree of.	Jonet Gordoune, Lady of Corsinday *v.* John Fyif in Auld Midmar.	"Third pairt landis and croft of Litill Carnday."
	Removing, Decree of.	Geo. Creychtoune of Litill Forg *v.* Wm. Galloway	Four oxengang of the Lands of Auchintender belonging to the Pursuer in liferent, in the Barony of Frendraucht. Sasine dated 5 July 1571.
	Removing, Decree of.	John Pantoun of Petmedden *v.* Heleyn Udny widow of Jas. Gardin.	Lands of Locht Tulloch in the Barony of Balquhane and Parish of Monkegy.
	List of Jury on Inquests.	Patrick Movat of Boquholly. William Chene of Arnege. Patrick Leyth of Harthill. Patrick Leslie of Kincragy. Robert Gordoune of Halheid. John Leyth of Middill Disblair. William Strauchauchin of Glenkyndy. Alexander Burnet of Cragour. William Craufurd of Annoquhy. George Baird of Auchmedden. Mr. John Gray. John Leslie of Buchanstoun. James Andersoun burgess of Abirdeine. Thomas Con in Auchry. William Watsoune in Auldmill. Gilbert Movat in Turreff. Stephen Leslie of Warthill. Gilbert Tailzeour of Ardleyn. Alexr. Chalmer of Tyrye.	

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574. July 31.	Service. Terce.	Marjorie Leslie widow of John Lamb Senior in Rothynormound.	Town and lands of Custestoune in the Shire of Rayne.
	Service. Terce.	Barbara James widow of Wm. Andersoune in Tullideak.	Shadow half of Milntoun of Collistoune, Miln and Miln lands thereof in the Barony of Balhelvy.
	Service. Tutory.	John Leslie pupil son of Walter Leslie of Largy.	Alexr. Leslie in Tempill his uncle appointed Tutor. Cautioner for him Andrew Leslie of New Leslie.
Augt. 30.	Cognition, Action of. (Entry incomplete.)	Leslie v. Johnstoun.	Court held by virtue of a dispensation and by consent of all parties continued. Meantime the corn growing on the disputed ground to be harvested at mutual expense and not to be interfered with under the pain of Breach of Arrestment.
Octr. 5.	Michaelmas Head Court.		Long List of Absent Barons.
	Swearing in of Sheriff deputes.	John Gordoune of Avachy Mr. Gilbert Bissat and Allane Balfurd.	Sworn in by Baillie Alexander Chalmer.
	List of Jury on Inquests.	Robert Cultis of Ouchtercoull. John Mortimer of Cragivar. Alexander Burnet of Cragour. George Bard of Auchmedden. Walter Ogiluy of Baldauy. John Leslie, portioner of Buchanstoun. John Cheyn of Crabistoun. Mr. Robert Chalmer burgess of Abirdeine. Alexr. Irving of Belty. Mr. Oliuer Pantoun burgess of Abd. Alexr. Chalmer of Cults. Thomas Meldrum of Ouchterles. Andrew Blak, burgess of Abd. Andrew Jak do. Duncan Dauidsoun of Brigend.	
	Special Service. (*Inq. Spec. Abd. No.* 50.)	Alexr. Chalmer son of Alexr. Chalmer of Balnacrag.	Balnacrag and Tullesyn in the Barony of Cowlie.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574. Octr. 5.	Service. Terce.	Barbara James widow of Wm. Andersoune in Tullidesk.	Annual rent of £16 from Lands of Ordmiddill in the Barony of Auchterles-Dempstar.
	General Service.	Thomas Crag son of Andrew Crag Portioner of Balmalie.	
	Removing, Action of.	Dame Jane Gordoune Lady of Fyvie *v.* John Steuart brother to Lord Invermey and Mr. Archibald Betoune Chantour of Abirdeine his Curators.	No lands mentioned. This day had been fixed for the defenders to call their warrant. There was produced for them a Court of Session Summons against Geo. Meldrum, son and heir of the late Wm. Meldrum of Fyvie and his curators, viz. : John, Lord Glammis, Chancellor, Walter Barclay of Tolly and Mr. John Abirnethie, calling upon them to warrant Stewart. The Sasine of the latter dated 26 March 1560 was also produced. The lands may have been Laithers or Dorlaithers. The case disappears from these books without a decision.
6.	Spuilzie, Action of.	Thomas Con in Auchry *v.* John Leslie of Balquhane and James Leslie Burgess of Abd.	Pleaded that, if there had been a spuilzie it was committed by the late Wm. Leslie of Balquhane who had not been sued in his lifetime. Therefore no action lay "according to the customable observit use befoir the Lords."
	Removing, Decree of (*Supra* 3 and 31 July.)	Irvyn v. Irvyn.	In respect caution not found for violence Decree was pronounced.
	Cognition, Action of.	John Setoun of Crabistoune *v.* Wm. Setoune of Meldrum and John Setoune of Auchinhuif.	Continued "sub spe concordie."
	Liquidation of Profits, Action of.	Sir John Carnegy of Kynnard, Knycht *v.* Alexr. Waus of Ruthvenis.	The profits of two horses and three mares for 13 years 4 months and 15 days. Decree of Sh. Court dated 19 June 1568 produced signed by Mr. Andrew Leslie, Sheriff Clerk for the time.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574. Octr. 6.	Miln Multures, Action of.	Alexr. Burnet of Cragour *v.* Wm. Farquharsone alias Merchand and others.	Andirmes Evin assigned to lodge Defences.
	Confession or Renunciation.	Wm. Smyth in favor of Dame Annas Keyth, Lady Murray and Colyne Campbell of Lorne now her spouse.	The Diracroft and Smiddy Croft "alias callit the Chalmerlains Croftis of the Haltoune of Fintray" in the Regalitie of Lundoris.
7.	Cognition, Action of.	Andrew Strauchauchin in Tulliquhrosky *v.* James Irving of Murcailhouse and others.	Continued to Andirmes Evin.
	Removing, Decree of.	Wm. Cheyne of Arnage *v.* Barbara James and James Lamb now her spouse and Robert Andersoune.	Town and Lands of Tullidesk in the Barony of Kelly. Robert Anderson the son produced Lease to his father and his own service as heir dated 1 Feby. 1573 (*Supra*) There was no Decree against him.
	Removing, Decree of.	David Duncansoun of Corvache *v.* James Greyne.	Half Lands, Half Miln and Multures of Kincragy in the Barony of Toucht and Cluny. Sasine 26 Feby. 1567.
11.	List of Jury on Inquest.	Alexander Mengzes Senior burgess of Aberdeen. Andrew Cromby do. Andrew Skeyn do. Alexr. Ranaldsoun do. James Cultis do. John Andersoun do. Gilbert Kintor do. Andrew George. do. John Mitchell do. Andrew Blak do. George Donaldsoun do.	
	General Service.	George Rait brother of Robert Rait.	
30.	Liquidation of Violent Profits, Action of.	Sir Robert Carnegy *v.* Alexr. Waus.	A diet of proof. Witnesses examined and the original Decree of Spuilzie dated 19 June 1568 signed by the late Mr. Andrew Leslie, then Sheriff Clerk produced. One witness is designed as in "Auld Abirdeine" and another in "New Abirden."

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574. Novr. 29.	Payment of Teind Sheaves, Decree for. (*Ant. A. & B.* II., 431.)	William, Erle Merschell *v.* Tenants in Deir, Petirugy and Phillorth.	The Earl was farmer of these teind sheaves. In evidence of title there was produced on his behalf an Assedation by Lord Robert the Commendator of Deir, signed with the Common Seal of Deir and under the subscriptions of the Commendator and Convent. There was also produced a rental and "the feir of the yeir of God" 1573 from the books of the Commissariat of Aberdeen, by which the price of victual per boll was fixed at 46/8.
	Payment Teind Sheaves, Decree for.	William Erle Merschell *v.* Tenants in Fouerne.	The productions were as in the preceding case except that the Feirs for 1571-2-3 were produced, showing that the boll of meal or victual was 25/- in 1571, 30/- in 1572 and 46/8 as above in 1573.
	Mill Multures, Action of.	Wm. Strauchauchin of Glenkyndy *v.* Patk. Gordoune in Barrak.	Pursuer's Sasine dated 20 Febry. 1556.
	Confession or obligation.	Robert Lumisden of Clovayth *v.* Wm. Knovis of Logyruiff.	Knovis binds himself to pay Lumsden 6 bolls of victual before "Pasche nixtocum undir the panis of poynding."
	At this place seven pages are left blank for Decrees in the Johnston *v.* Leslie cases which have never been written up.		
Decr. 20.	List of Jury on Inquest.	William Udny of that ilk. William Craufurd of Fedderet. Gilbert Collisoun burgess of Abd. John Cruikschank of Tillimorgyne. Andrew Udny of Tillery. Gilbert Udny in Auchloun. Richard Udny in Mynnes. Patrick Gray, burgess of Abd. Andrew Blak do. John Knovis do. George Knovis of Borroustoune. Alexr. Knovis Junior. Alexr. Burnet of Cragour. James Johnnestoun in Cheppeltoun. James Pantoun, portioner of Tullimad.	

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574. Decr. 20.	Special Service. (*Inq. Spec. Abd. No.* 51.) (*Compare Ant. A. & B.* IV. 445-6.)	John Gordoune of Glasquoforrest brother german of James Gordoune of Auchtirarne.	Petition and Breif presented with these titles (1) Charter by John Forbes of Tolleis to the late Patrick Gordoune son of George Gordoune of Lesmoir and the heirs male of his body whom failing his heirs male whomsoever dated 16 May 1562 (2) Sasine thereon dated 15th June 1562 and (3) Sasine in favor of the deceased James Gordoune dated 1 June 1565. The lands were the half lands of Auchtirarne Tulloch Tannamoyn and Blakmyln. Jury styled "Condigne Inquest." In non entry eight months and twelve days.
1574-5. Jany. 11.	Head Court.		Long List of Absent Barons fined.
	Special Service.	Thomas Chalmer son of Thomas Chalmer of Tullechery.	Tullecherie in the Barony of Fintray and Regalitie of Lundoris. Old value £3. Present value £6. Ten Jurors found the Service proved. These were Alexr. Chalmer of Cultis, Mr. Robert Chalmer, burgess, John Dun, burgess, Wm. Chalmer, burgess, Patrick Leslie, burgess, Andrew Chalmer, Portioner of Wester Disblair, Mr. George Johnnestoune, burgess, John Ross of Auchlossin, Alexr. Thomesoune portioner of Wester Disblair and James Johnnestoune of Cheppeltoune.
	Protest.	Same case.	Five Jurors vizt:—Robert Cheyn, Hans Wod in Haltoun of Fintray, John Wod of the Mill of Fintray, John Chalmer of Craigquhorty and Gawan Watsoun in Gavill protested that they found for a general service but not a service to any lands.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574-5. Febry. 1.	List of Jury on Inquest.	Alexander Burnet of Cragour. Alexr. Meldrum of Bogheidis. Thomas Con in Auchry. John Lyoun of Comalegy. William Troupe in Beggishill. James Johnnestoune in Cheppeltoun. Mr. Robert Chalmer burgess. Thomas Crag in Tarues. George Ledinghame in Auchinlek. Mr. John Gray in Pettrechy. Gilbert Body in Petirheid. Mr. John Forsyth in Vindyhillis. Mr. James Chalmer of Grandoun. William Chalmer burgess. John Andersoune do.	
	General Service.	Mr. Thomas Austeane son of Mr. Thomas Austeane in Turreff.	
	Double Poinding, Decree in.	Andrew Robertsoun in Littill Cokla *v.* Wm. Keyth of Ludquharne, Wm. Keyth his eldest son and Gilbert Body in Petirheid.	The Keiths let the land to Body, who let it to the Pursuer, against whom both were doing diligence for the rent. The Court found Body entitled to it and ordered the Keiths to desist from troubling Robertson.
	Payment, Decree for.	Alexander Cullen, Burgess *v.* Alexr. Toucht of Cragerne as Cautioner for John Gordoun of Cluny.	The action was really one to fix the value of seven barrells of salmon "full reid and sueit" in 1574. Proof was led on 13 January and now Decree is given for £12 per barrell.
	Delivery of Writs, Action for.	Robt. Johnnestoune brother to the late George Johnnestoune of Cremound *v.* Mr. John Gray in Pettrechy.	A Diet of proof. Defender protests that the depositions of certain witnesses "mak na fayth in respect thai can nother writ nor reid."

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574-5. Febry. 1.	Removing, Decree of.	Meriore Forbes, Lady Terce of Dumbrek and Alexr. Meldrum of Bogheidis her spouse *v.* Thos. Frandy alias Culross.	Sunny third part of the Mains of Dumbreck in Ellon. Pursuer produced Instrument of Kenning of Terce dated 22 Jany. 1557.
	Spuilzie, Decree of.	John Layng and Geo. Layng *v.* Alexr. Leslie in Glandirstoune and Henrie Leslie his son.	"Ane brovne scurrit ox" taken from Hairstane in the Barony of Wardres in October 1572. Price asked 15 merks. Price decerned for 11 merks. The Decree reserves the Pursuer's right to call for the profits.
18.	Rent, Decree for.	Patrick Leslie burgess of Abd. *v.* John Lourensone.	"Certane wictuellis restand awand of the quarter lands of Ardoyne of the cropes sewintie tua and sewintie three yeiris." Amount settled by a reference to the Pursuer's oath.
March 26.	Cognition, Action of. Advocation.	Walter Cant Induellar in Leyth, Robert Mubray, son of umquhill Robert Mubray, burgess of Edinburgh with consent of Walter and Jonet Cant his tutors, John Gordoun of Cluny, Mr. Thomas Stewart Citiner in Auld Abirdeine, Mr. George Myddiltoune Advocat, burgess of Abirdeine, Dauid Ruthirfurd son to Mr. Patrick Ruderfurd, with his fathers consent, Thomas Duvy son of umqll Patrik Duvy, burgess and a number of others *v.* George Auchinlek of Schethin also of Balmanno.	Dispute about the Nether Don and Cruives Fishings. A long list of the Pursuer's titles is given, derived from the Bishop and also from the Town Council of Aberdeen. Proceedings were stopped by the production of Letters of Advocation to the Court of Session, which are engrossed in the Diet Book and contain a statement of Auchinlek's case and the reasons of advocation. He claimed to be proprietor of "the tua pairt lands of All and haill the lands and barony of Balgovny with the fisching als weill of salmound as of quhyit fische in the sey sand and sey forment the landis of Polgovny, Murcour and Fingask with the huik bait and lyne and all thair pertinentis" and pleaded no jurisdiction in the Sheriff Court over him or to try such a case.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1574-5. March 26.	Spuilzie, Action of.	Patrick Leslie in Blairdynny *v.* Archibald Schand in Newtoun of Wranghayme.	The taking "of ane gray hors wantand ane ee" from the lands of Balquhane. The value put on this one eyed animal by the Pursuer was £20; but the case was continued to the Wednesday after the "Heid Pasche Court" and does not appear then or afterwards.
	Liquidation and payment, Decree of.	James Bannerman Baxter burgess of Abd. *v.* Andrew Henry in Kynmuk.	Four bolls of Beir with "tua pekis to Ilk boll" price fixed at 53/4 per boll with the pecks.
	List of Jury on Inquest.	John Gordoun of Auchmachar. Mr. George Middiltoun. George Bard of Auchmedden. Alexander Donaldsoun, burgess. William Chalmer in Kindrocht. James Johnnestoun in Cheppeltoun. William Auchquhennachy of that ilk. Robert Neilsoun Armiger (Esquire). Mr. William Dauidson, Advocate. Archibald Douglas. Mr. Robert Chalmer burgess. George Vatsoun in the Greyn. Thomas Mout in Wodland. Gilbert Collisoun, Baillie of Aberdeen. James Leslie, burgess there.	
	Service. Terce.	Elet. Lyoune widow of John Tullocht portioner of Moncuffir.	Shadow half lands of Moncuffer, Corsky, Govay, Foulsy &c. and Salmon fishing upon the Deveron in the Parish of Kingedward.
1575. April 12.	Head Court.		Long List of Absent Barons fined.
	Revocation of Deeds in minority and Ratification.	John Rany in Kintor.	General Revocation upon oath of Deeds granted in minority and specially of one to Robt. Makky. Special Ratification of Deeds granted to John Leslie of (?in) Kintor.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1575. April 12.	List of Jury on Inquests.	Patrick Movat of Boquholly. William Craufurd of Fedderet. John Mortimer of Cragivar. Robert Cultis of Auchtercoull. William Strauchauchin of Glenkindie. Patrick Leyth of Harthill. Walter Berclay of Sleoch. Robert Irving of Murthill. George Movat of Loscragy. George Gordoun of Ardlay. Walter Innes of Litil Auchmacoy. John Dempster of Knokleyth. John Blakhall in Stanevod. Gilbert Movat in Turreff. Alexr. Cruikschank burgess of Abd. Alexr. Bairins burgess of Abd.	
	Special Service.	Patrick Coupland son of Thos. Coupland of Udauch.	Half Lands of Udauch. In non entry one year.
	Special Service.	Robert Hog brother of Thos. Hog.	Lands and outseat of Wester Pitfoddels called "the hill of Fauldis." Old value 20/- Present value £4. Held blench of Thomas Mengzes of Pitfoddels. In non entry 4 months.
	Tutory.	John Patre pupil son of Wm. Patre in Balhagartie.	John Patre in Legat, the pupil's Uncle appointed Tutor, Mr. George Johnnestoun, burgess of Aberdeen becoming Cautioner for his faithful administration.
	Special Service.	John Gordoun of Petlurg son of John Gordoun of Petlurg.	The lands of Ardlaucht with the Mill of Badechell &c. in the Barony of Aberdour. It appears that John Gordon the elder died in Queen Mary's time and that Janet Ogilvy his widow, who had a conjunct fee was still alive, her liferent being reserved. (Vide next entry). Old value of the lands £5. Present value £6.13.4. Held blench of Alexr. Fraser of Phillorth for pair of white gloves.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1575. April 12.	Procuratory.	Jonet Ogilvy widow of John Gordon of Petlurg and wife of James Ogilvy of Blarak.	Appoints George Ogilvy in Cullan and George Ogilvy brother german to John Ogilvy in Glassau to appear before the Sheriff and consent to the foregoing service, reserving her liferent.
15.	Spuilzie. Action of Wakening.	Wm. Chalmer portioner of Kindrocht *v.* Andrew Keyth of Auldmad.	A Diet of Proof.
16.	Removing, Decree of.	Mr. Thos. Mengzes of Durne *v.* James Nicolsoune Writtar in Edinr. and John Robertsoun burgess of Abd.	A half nets fishing of the Raik upon the Water of Dee. The Defenders were said to have been in violent occupation "sen the Vigill of Sanct Androw last by past" 1574, forty days before which they had been warned to remove. The Pursuer's Sasine was dated the day of 1556.
May 16.	List of Jury on Inquest.	William Craufurd of Fedderet. Mr. Robert Lumsden of Clovayth. John Ross of Auchlossine. Gilbert Menzes Senior burgess. William Urry of Auchinhamperis. Andrew Burnet of Cowcardy. James Kyng portioner of Barrauch. John Burnet, burgess. William Kyng of Westirhous. Alexander Hunter of Tullihaikeis. Dauid Endeauch burgess. Alexander Cullen do. George Gardyn of Banchorie. Patrick Gray burgess. Alexander Knovis Senior burgess.	
	Special Service.	John Mortimer of Cragivar son of Alex. Mortimer of Dunyngteir.	The lands and Mill of Dunyngteir. Old value 40/-. Present value £8. Held of the Crown. In non entry for two months since the death of Margaret Mengzes, the heir's mother, who had been conjunct fiar.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1575. May 21.	Transferring, Decree of.	Mr. Robt. Lumisden of Clowayth for himself and in name of his youngest daughter Christane *v.* Dauid Menzes as immediate heir to Alexr. Menzes his brother german.	Alexander and David Menzes were sons of Gilbert Menzes, elder, burgess of Aberdeen. Alexander had married Christian Lumsden and their Marriage Contract was dated 5 July 1568 and had been registered "in the Shreff buikis of Abirdeine." David Menzes as heir of his brother had apparently got a Decree in the Burgh Court against the widow for delivery of the "airschipe guidis and geir" to him. These proceedings transferring Alexander's obligations under the Marriage Contract to David, were doubtless the counter-blast.
	Warrandice, Action of. (*Supra* 6 Octr. 1574.)	John Stewart brother of James Lord Invermeyth *v.* Geo. Meldrum of Fyvie.	Letters of Advocation presented but not engrossed.
	Spuilzie, Decree of.	Wm. Chalmer in Kindrocht *v.* Andrew Keyth in Auldmad.	Four oxen taken in Septr. 1573. Valued by Pursuer at £10 each, by Sheriff at £4 each.
25.	Transumpt, Decree of.	James Gordoun of Tullyangous *v.* Alexander Lord Saltoune, Alexr. Young, &c.	Instrument of Sasine of the Lands of Widdirburne dated 4 June 1543.
31.	Removing, Decree of.	Grissal Auchinlek liferentrix of Litill Drumquhendill and Alexr. Innes of Ardgrayne now her spouse *v.* John Pantoune of Petmedden and John Pantoune son of Wm. Pantoune in Craig and another.	The Defenders Pantoune were the principal tenant and subtenant of Wodland in the Barony of Monycabok of which Innes was Tacksman. The female pursuer was liferentrix of Little Drumquendill in Methlick.
June 2.	Removing, Decree of.	Wm. Frensche, son of George Frensche *v.* John Guthrie, Smyth in Auld Abirdeine.	A tenement of land containing 16 roods with house and yard on the east part of the "Citie of Auld Abirdeine." The west boundary was "The King's comound get."
	Removing, Decree of.	Agnes Gray liferentrix of Fingask *v.* Thomas Wat.	The Knaveship Croft of the Mill of Fingask in Daviot and the knaveships thereof. Sasine dated 25 May 1562.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1575. June 2.	List of Jury on Inquests.	John Leyth of Myddil Disblair. Alexander Gardyne of Blakfuyrd. John Leslie in Mekill Durno. John Layng in Drumgowand. John Lowsoune burgess. John Blak do. Alexander Litster do. Marcus Howesoun do. Alexander Bairins do. Patrick Leslie do. Alexander Lowsoun do. Mr. Andrew Thomesoun Reader of Rayne. Laurence Keyth of Kirktoune of Rayne. Alexander Howesoune burgess. Alexander Thomesoune portioner of Disblair.	
	Special Service.	Christina Leslie daughter of Geo. Leslie in Abirdeine.	Sunny half of Lowesk in the Parish of Rayne. Held blench of John Leslie of Balquhane. Old value 20/-. Present value £4. In non entry one month. The liferent of Marjory Galloway, the mother of Christina in the Shadow half of the Sunny half being reserved.
6.	Removing, Decree of.	Mr. Robt. Chalmer burgess of Abd. *v.* George Gordoun.	The Shadow half of the Pursuer's part of Tullygrig in the Barony of Inverdone. Chalmer's title proceeded from Wm. Bishop of Aberdeen and his Sasine was dated 30 Jany. 1562.
7.	Confession Renunciation and Decree of Removing.	Wm. Udny of that Ilk *v.* William Aikeyne in Ardmoir.	Aiken appears and confesses that he has no title to occupy and obliges himself to remove and to make the lands "Woid red and patent frathinfurth of himselff" &c. &c. on which Decree is pronounced.
	Removing, Decree of.	Elspet Gordoun Lady of Shewes *v.* Bessie Annand widow and Gilbert Hendirsoune her son.	The Shadow three oxingang of the Middle third part Lands of Cheppeltoun of Essilmonth in the Parish of Ellone. Sasine dated 21 Jany. 1572.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1575. June 7.	Removing, Decree of.	Walter Innes *v.* David Watsone.	Sunny half Lands of Moreisseit. The Pursuer's title was a lease from Andrew Erle of Erroll dated 6 Febry. 1564.
9.	Removing, Decree of.	Gilbert Mair in Awanleis *v.* Thos. and Andrew Schipert.	Shadow half of the Sunny half of Hairmoss in Kingedward. Sasine dated 7 July 1569.
10.	Removing, Decree of.	Dame Annas Keyth, Countes of Ardgyill and Murray etc. and Colyne Erle of Ardgyill Lord Campbell and Lorne etc. her spouse *v.* Wm. Symmer and Alex. Symmer in Coustaines.	Four oxingang of the Toune and Lands of Haltoun of Fintray, Barony of Fintray and Regalitie of Lundoris. The precept of warning was signed and sealed by the Earl and Countess at Edinburgh on 8 March 1574 and the date of the Sasine produced was 29 March 1564.
16.	Removing, Decree of.	Alexr. Waus of Ruthvenis *v.* Patrick Duncan and Arthur Jamesoun alias Calder.	Each from four oxingang of the easter half of Nedir Ruthvenis in the Parish of Logy Mar. Sasine dated 9 Octr. 1563.
	Removing, Decree of.	Mr. Gilbert Bissat of Petmukstoune *v.* Richart Quhyit alias Fleschor.	The Shadow plough of the lands of Petmukstoune and also "the outseit, houssis, yairdis, fishous byir and stabill and croft occupeit be Bessie Cutler his moder and the said Richart." The defender appeared and consented to Decree, so no title was produced. Mr. Bissat was on the bench along with another depute: but on the margin are these words, "Pro parte Bissat non sedebat."
18.	Removing, Decree of.	Wm. Fraser of Litill Clinterty, with consent of Michael Fraser of Stanewod *v.* Wm. Udny.	"Toune and Landis of Litill Clinterty" in the Barony of Stanewod. Sasine dated 17 Septr. 1570. Notary Mr. James Forbes.
20.	Removing, Decree of.	Alexr. Knowis, Elder, Burgess of Abd. *v.* David Ross.	The lands of Coardaucht and four oxingang of Slowy in the Parish of Kincardine O'Neil. Sasine dated 20 August 1551. Notary David Setoun.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1575. June 20.	Removing, Decree of (partial).	Wm. Auchinlek of Schethine, as Assignee of Geo. Auchinlek of Balmanno *v.* Jonet Movat relict of Thos. Coupland of Udaucht and others.	The laird of Balmanno was donator to the Marriage of the heir or heirs, with the ward relief and nonentries of the late Thos. Coupland of Udaucht. These he had assigned to Wm. Auchinlek the Pursuer, who now sought to have Coupland's widow removed from Mains of Udaucht, and the other occupiers from their holdings. The grant under the Privy Seal was dated 19 May 1574 and the Assignation 30 Novr. following. No one appeared to defend except the widow, who found caution for the violent profits and was ordained to lodge defences on 5 July. Decree passed against the other defenders.
23.	List of Jury on Inquest.	Mr. Robert Lumsden of Clowayth. John Leslie of that Ilk. Mr. Robert Leslie. Patrick Leyth of Harthill. Bartholemew Leslie. James Leslie in Durno. John Leslie. George Creychtoun of Litil Forg. Gilbert Collisoun burgess. Alexr. Knovis Senior. Alexr. Knovis Junior. Alexr. Buchan of Auchmacoy. Andrew Leslie of Boquharn. John Leyth of Middil Disblair. Alexr. Burnet of Craigour.	
	Special Service.	John Leslie son of Patrick Leslie of Duncanstoune.	Lands of Duncanstoune in the Regality of the Garioch. Old value 20/-. Present value £4. Held blench of William Leslie of Wardres. In non entry nine months and twenty days.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1575. June 23.	Removing, Decree of (partial).	Countess of Ardgyill and the Earl *v.* John Clark and other tenants in Haltoune of Fintray.	Clark defended alleging a lease and found caution. Against the others Decree passed.
July 4.	Removing, Decree of (partial).	Countess of Ardgyill and the Earl *v.* Hans Wod and Margt. Glenny and John Thome her spouse.	Holdings in Fintray. Wod's holding is thus described—"four oxingang of the landis of Haltoun of Fintray with the Brewhous Mairscraipingis Insche Aikeris beyound the burne and croft undir the Dyik." He defended and was ordained to find caution.
5.	Confession and Renunciation. (*Supra* 9 June.)	Thomas and Andrew Schipherd.	On renouncing and agreeing to leave at Whitsunday 1576 and giving up some of the ground to Gilbert Mair the proprietor at once, the Shepherds are allowed to sit for a year. The proprietor gets leave "to teill, fauch and ryive ley and muir" (the part of the ground given up) "this yeir."
	Eviction and Violent Profits, Decree for.	John Gordoune of Auldtouneleyis as Assignee of Wm. Idyll *v.* Wm. Mertyne in Over Tullocht.	In June 1574 Idyll was in peaceable possession of the Town and lands of Dipstoun in the Barony of Keige and Monymusk and Regalitie of Sanct Andrewis, when as he says he was by Mertyne violently "evectit outpat and keist furth" from his possession. On 10 April 1575 Idyll assigned his claims to Gordoune. There is a very full specification of the violent profits here.
14.	Removing, Decree of (partial).	Wm. Leslie of Wardres *v.* John Leslie of Buchanstoune and others.	Mill of Buchanstoune alias Ardwyne and others. John Leslie and another state a defence and refer it to the Pursuer's oath. Case continued to 30 July for his deposition. Decree against remaining Defenders.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1575. July 20.	List of Jury on Inquest.	Thomas Meldrum of Eden. Alexander Waus of Ruthvenis. Alexr. Meldrum of Bogheidis. Patrick Dilgarno of that Ilk. Mr. William Gordoun of Terpersie. Patrick Gordoun of Oustishill. John Gordoun of Lichesoune. John Meldrum of Jakistoun. Thomas Meldrum of Comalynis. Patrick Meldrum apparent of Comalynis. James Innes of Jakistoune. Robert Meldrum of Covhill. George Gordoun of Auchmangzie. James Gordoun of Tullyangous. Alexander Burnet of Cragour.	
	Special Service.	George Gordoune son James Gordoune of Crechie	Shadow half of Rothynormound, Parish of Fyvie. Sunny half of Outseat of Rothynormound in Barony of Bambreicht by annexation. Kirktoun of Fyvie, Bridgend of Fyvie, Priors Mill, in Barony of Fyvie and Regality of Garioch. Old value of Rothynormound and Outseat 40/- Present value £8. Old value of Kirktoun etc. £3.6.8. Present value £15. The former were held blench of John Leslie of Balquhane and the latter also blench of George Gordoun of Scheves. Barbara Hay had renounced her conjunct fee.
21.	Removing, Decree of.	James Gordoun of Tullyangous *v.* Alexr. Irving.	Sixth part lands of Weddirburne, parish of Drumblait. Transumpt Sasine produced (vide entry of 25 May)

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1575. July 29.	Removing, Decree of.	Martyne Howesoun burgess of Abd. *v.* Issobell Sklait widow of James Still.	Four oxingang of the "toune and landis of Scotistoune" in Sanct Macher. Sasine dated 23 Novr. 1554. Notary Mr. George Barclay.
30.	Removing, Decree of. (*Supra* 20 June.)	Auchinlek *v.* Mowat.	In respect of her failure to establish a title, decree passes against Janet Mowat Widow of the deceased Thos. Coupland of Udaucht.
	Removing, Decree of.	Patrick Leslie of Kyncragie *v.* Margt. Forbes and another.	Parts of Kincragy in the parish of Touch.
	Removing, Action of.	Meriore Leslie widow of John Lamb in Rothynormound and William Ogstoun in Turreff her spouse *v.* David Lamb.	Four oxingang of the shadow plough of "Langmaniswallis," being a pendicle of "Intoun of Rothynormound" in the Barony of Bambreicht. Sasine dated 10 Octr. 1561. The 11 Octr. assigned to Defender to establish his defence.
	Removing, Decree of.	James Cheyn in Ordley *v.* Patrick Barclay.	Lands of Ordley in Barony of Auchterles. An Act of a Bailzie Court signed by Alexr. Fraser, Notary and Clerk of Court for the time, dated 19 Febry. 1574 was produced and the Defender appeared and consented to remove.
	Eviction, Action of.	Alexr. Buchane of Auchmacoy, assignee of Gilbert Forrest in Kiddishill *v.* Mr. Oliver Pantoun Burgess of Abd.	Alleged Eviction from Oykorne in Kingedward in April 1572. Assignation dated 14 July 1575. Defences ordered on 4 Octr.
	Eviction, Action of.	Alexr. Buchane of Auchmacoy, assignee of Isobell Duncan in Cullox *v.* Mr. Oliver Pantoune.	The circumstances and dates as in preceding case. The Notary who signed both assignations was David Setoun.
	Removing, Decree of.	Geo. Gordoun of Lesmoir *v.* Geo. Gordoun in Prony, principal tenant of Cornekelt, James Gordoun of Birkenburne, principal tenant of Auldevay, and young Will Abrahame his subtenant.	Sasine dated 23 April 1573.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1575. July 30.	Removing, Decree of.	John Gordoun of Polflug *v.* John Stewine in Blachrie and others.	Toune and lands of Blachrie in the parish of Fyvie. Sasine dated 31 August 1560.
	Payment, Action of.	Alexr. Fraser of Phillortht and John Fraser in Memsy his servant *v.* Wm. Cuming of Inveralloquhy.	Certain sums of money. Case continued to "Heid Michalmes Court nix to cum" for defences.
	List of Jury on Inquest.	William Craufurd of Fedderet. Mr. Robert Chalmer burgess. Mr. George Johnstoun do. Andrew Hunter do. Patrick Hunter do. John Lyoun of Comalegy. William Cheyn of Arnege. William Mengzes burgess. Alexr. Buchan of Auchmacoy. Gilbert Mengzes of Covly. Alexr. Mengzes burgess. James Maitland of Monlety. George Strauchauchin burgess.	
	Special Service.	David Mengzes burgess of Abd. brother german of Alexr. Mengzes burgess of Abd.	Shadow half of town and lands of Lowesk. Also the town and lands of Knokalloquhy in warrandice of Lowesk. Held blench of John Leslie of Balquhane. Reservation of liferent of Christina Lumsden Alexr. Mengzes widow. Old value of Lowesk 15/- Present value £3. Old value of Knokalloquhy 20/- Present value £4. (*Vide Supra* 21 May.)
Augt. 10.	Baillie Court. Presentation of Commission by Special Sheriff Deputes.	Gilbert Mengzes of Cowly and Mr. Geo. Myddiltoune.	This is the first of a series of interesting and important entries regarding the service of George 5th Earl of Huntly as heir to his father the 4th Earl. The Court was held by Baillie Alexr. Chalmer who administered the oath *de fideli.*

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1575. Augt. 15	Sitting of the Special Sheriff deputes.		They appoint a clerk of Court an officer and a dempster and cause their Commission to be recorded. They also passed to the Market Cross and proclaimed the Brieve.
Octr. 4.	Head Court.		List of Absent Barons fined.
	Payment, Action of. (*Supra* 30 July.)	Fraser of Phillorth and Fraser of Memsy *v.* Cuming of Inveralloquhy.	Letters of Horning against Phillorth produced, in respect of which it was pleaded that he had no status to sue. Case continued to 11 Octr.
	Transumpt.	John Ross of Auchlossin.	Royal Charter of Union of the three quarter lands of Auchlossin and Lands of Carnbady into a free Barony called the Barony of Auchlossin dated 4 Feby. 1570.
5.	Procuratory.	Gilbert Mengzes of Cowly.	Appoints Mr. Geo. Barclay and Mr. John Kennedy his procurators.
	Cognition, Action of.	Gilbert Mengzes of Cowly *v.* Robt. Innes of Invermarky Alexr. Innes of Ardgrayne and James Grig.	Produced for Mengzes (1) Charter by 4th Earl of Huntlie and by the 5th Earl dated 15 Apl. 1555. (2) Sasine dated 17 May 1555. (3) Charter of the House of Abirbrothok dated 20 July 1564. Objections by Defender to the competency of Mr. Gilbert Bissat and Alexr. Johnnestoune the two Sheriffs depute presiding. Last day of Octr. assigned for defences.
	Cognition, Action of.	George Haliburtoune of Petcur James Gordoun of Tullyangus Alexr. Irving of Ordley *v.* John Lyoune portioner of Comalegy.	The Lands of Weddirburne the subject of dispute. Defences to be lodged on Allhallowevin.
	Removing, Decree of.	Alexr. Meldrum of Bogheidis *v.* John Crukschank and another.	Portions of Kynbrein in the Parish of Fyvie. Pursuers title was a Lease from Gilbert Johnnestoune of Standandstains dated 18 April 1569.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1575. Octr. 11.	List of Jury on Inquest.	James Gordoun of Haddoch. Sir John Carnegy of Kynnard Knt. Alexander Fraser of Phillorth. Alexander Waus of Ruthvenis. William Cheyne of Arnege. Robert Turing of Fouerne. William Cuming of Inneralloquhy, William Leslie of Wardres. George Gordoun of Lesmoir. John Ross of Auchlossin. John Erskyne of Balhagarty. Patrick Leyth of Harthill. Alexander Burnet of Craigour. Alexander Chalmer of Cultis. John Cheyn of Crabistoune.	
	Special Service.	The Earl of Huntlie.	Lord Huntly appearing personally before the specially constituted Sheriffs depute, produces his Brieve and Petition. A Jury was empannelled and retired, Lord Huntly protesting, if they did not serve him, for wilful error and remeid of law. The Lands are not named.
	Payment, Action of.	Phillorth *v.* Inveralloquhy.	Letters of Relaxation of Phillorth from the Horn produced. This is a sitting of the regular Sheriff Court, when the principal Sheriff and Mr. Gilbert Bissat his depute preside and are said to do so conjunctly and severally.
	Cognition.	Sir John Carnegy of Kynnard *v.* John Strauchauchin of Thornetoune.	Dispute about the marches of the Forest of Glenawine. Letters of Advocation produced but not engrossed.
29.	Payment of Teind Sheaves Decree	Williame Erle Merschell *v.* Tenants in Foveran.	Feir of the year 1574 produced under the hand of Mr. John Chalmer Commissary Clerk. Boll meal 46/8.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1575. Octr. 31.	Commission to Sheriff's depute.	David Crag and Thos. Gunner.	These men were appointed on the following narrative in the Commission granted by Lord Huntlie. "Forsamekill as thair is diuers actionis intentit be sundry personis befoir us and our depuittis ellis be us constitut in the said Shrefdome, quairunto our forsaidis deputis throw consanguinitie and affinitie can nocht be juges competent, Thairfoir" &c. &c. The Commission was for the period to Michaelmas 1576 and afterwards during the Sheriff's pleasure.
	Special Service.	Alexr. Hay son of Alexr. Hay in Ardmakhorne.	An annual rent of 20 merks payable from the lands of Auldmad in the Barony of Slains. Held of Thomas Leisk of Auldmad. In non-entry five months. Names of Jurors not filled in.
	Payment Teind Sheaves, Decree of.	William Erle Merschell &c. &c.	Teind Sheaves of the Parishes of Deir, Petirugy and Phillorth Crop 1574. A long list of occupiers. Feir of the year under the hand of Mr. John Chalmer, Commissary Clerk produced.
	Cognition, Action of.	Robert Innes of Invermarky *v.* Gilbert Mengzes of Cowly and others.	Dispute about the boundaries of the lands of Wodland in the Barony of Monycabok which Innes held in heritage.
	Spuilzie, Action of.	Alexr. Patersoune, Merchand *v.* John Walcar in Torry, Parish of Ellone.	"Ane ravin blak hors with ane quhyit spot on ilk syid undir the sadill," said to have been taken from the Lands of Petty in Octr. 1574. Defences ordered by "Andirmes Evin."
	Payment, Action of.	Mr. John Kennedy general procurator and collector to the Cheplains of the Collage and Queyr of the paroche kirk of Abd. *v.* Mr. Gilbert Bissat of Petmukstoune.	For 20 years arrears of an annual rent of 26/8 pertaining to them in patrimony. Defences ordered at the Yuill Court.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1575. Novr. 23.	Removing, Decree of.	John Gordoune of Petlurg *v.* John Gordoune in Milhill.	Four oxingang of the sunny plough of Milhill in the Barony of Kynmoundy. Sasine dated 9 June 1546.
29.	Special Service (further proceedings).	The Earl of Huntlie.	Another sitting, to which the former Jury with one or two alterations were summoned "to deliver affirmative," under pain of rebellion. A number of titles and reductions of forfeiture produced.
	Special Service, Dispensation for.	Walter Urquhart, Sheriff of Cromarty.	Royal Dispensation permitting the Sheriff of Aberdeen to carry through service to Lands and Barony of Fischerie, although Walter Urquhart's mother Beatrix Innes was infeft in conjunct fee with her late husband Alexr. Urquhart.
	Removing, Confession of.	John Gordoun of Cluny *v.* Patrick Gordoun in Oustishill.	"The tua pairt landis and biggings of Tullemair" in the Barony of Cluny. While admitting he had to remove from the above, Patrick Gordoun claimed right still to occupy the third part of the lands.
	List of Jury on Inquests.	James Gordoun of Methlik. John Gordoun of Petlurg. John Erskeyne of Balhagarty. Thomas Meldrum of Eden. Patrick Leyth of Harthill. William Gordoun of Auchindoir. William Blackhall of Barrauch. Mr. Robert Lumisden of Clowayth. Alexander Buchan of Auchmacoy. James Kyng, portioner of Barrauch. John Cheyne of Crabistoune. James Maitland of Monlety. George Meldrum of Ardfork. Henry Gordoun of Tulloch. Alexr. Chalmer of Tyrie.	

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1575. Novr. 29.	Special Service.	Walter Urquhart son of Alexr. Urquhart, Sheriff of Cromarty.	Lands of Fischerie and Mill thereof, Faychfauldis, Clochcorby, Bray, Tullebo and Valcarhill lying in the Barony of Fischerie. The liferent of the dowager Beatrix Innes is reserved. Held of the Crown in Ward and Relief. Old value £9. Present value £36.
	Special Service.	George Gordoun of Schewes son of James Gordoun who was brother german of Sir George Gordoun of Schewes.	The Barony of Schewes, reserving liferent of Elet. Gordoune, widow of Sir George. Held of Crown. Old value £14. 13. 4. Present value £48.
	Removing, Decree of.	John Gordoun of Petlurg *v.* Alexr. Paxtoune alias Makkyng and another.	Four oxingang of Bogfork as part and pendicle of the lands of Botarie in the Lordship of Huntly. Pursuer produced a Lease of the Lands granted by Lord Huntly on 29 April 1573.
	Protestation and Pleading.	Beatrix Innes *v.* Walter Urquhart.	Although engrossed at this place this entry ought to have come after the production of the dispensation and before the actual service, which the Widow opposed but not successfully.
	Special Service.	The Earl of Huntlie.	Lands in the Lordships and Baronies of Keig and Monymusk and Regality of St. Andrews, which were held of the Bishop of St. Andrews. The Jury refused to serve because there was no Bishop of St. Andrews and no brieve issued from that Chancellarie. The Jury in this and following service were as on 11 Octr. omitting Phillorth, Lesmoir and Inverallochy and with the addition of Clowayth, Barrauch and Petcapill.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1575. Novr. 29.	Special Service. (*Inq. Spec. Abd. No.* 53.)	The Earl of Huntlie.	The Lordship and Barony of Huntly, of old called Strathbogy. As also the Lands of Tough, Cluny, Aboyne, Glentanner, Glenmuik. In non-entry since death of George Earl of Huntlie in October 1562 and of Elizabeth Keyth, Countess Huntlie in May 1568.
	Removing, Decree of.	John Gordoune of Cluny *v.* Patrick Gordoune of Oustishill and others.	Two part Lands of Tullemair and also two part lands of Skippertye both in the Barony of Cluny. So far as Patrick Gordoune is concerned the Decree gives effect to his confession and reservation. (*Supra* p. 233.)
1575-6. Jany. 10.	Head Court.		List of Absent Barons fined.
	Protestation.	Alexr. Chalmer of Cults and Pett.	Produces his title-deeds and protests that according to their terms he is not bound to "giff presens and suit ony wayis To my lord Shreff of Abirdeine or his Deputts for the forsaid landis of Cultis Pett." He took Act of Court and craved "That the same may be insert in the Shreff Court buikis of Abirdeine for perpetuall memorie." A charter of Henry and Mary dated 24 Febry. 1565-6 was produced.
Feby. 1.	List of Jury on Inquest.	Robert Turing of Foueme. Henry Gordoun of Tulloch. James Dempster of Auchterless. John Cruikschank of Tullimorgan. William Blakhall of Barraucht. Alexr. Fraser of Newforest. Patrick Gray burgess. Walter Barclay of Kynarroquhy. William Turing of Ardocht. William Leslie in Innerovrie. William Strauchauchin in Tibberty. Thomas Leisk of Auchmad. John Knoves burgess Michael Leslie in Varthill. Mr. Andrew Auchinlek burgess of Abd.	

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1575-6. Febry. 1.	Special Service.	Wm. Innes nephew of John Innes of Tulliquhorty.	The Sunny half of the Lands of Tulliquhorty. Old value 23/4. Present value 7 merks. Held blench of Robert Innes of Invermarky. In nonentry for 3 years since death of Katherine, Arthur the conjunct fiar.
	List of Jury on Inquest.	The same as the foregoing omitting Dempster, Cruikschank and Auchinlek and adding William Udny of that ilk William Craufurd of Fedderet Andrew Udny of Tullery.	
	General Service.	John Gordoune of Glascoforrest brother of George Gordoune of Culfork.	
	Delivery of a Discharge, Action for.	Wm. Leslie of Wardres *v.* Walter Barclay of Kynnarroquhy.	An action for delivery of a Discharge for 460 merks alleged to have been paid as part payment of a larger sum contained in a Contract dated 2 Octr. 1575. Defender stated that he had been summoned and appeared before, when Pursuer did not appear and was awarded 10/- of expenses. Defences ordered on "Palmesounday Evin."
	Liquidation and Payment, Action for.	Mr. John Kennedy, Persoun of Tullinessill *v.* Andrew Buchan of Auchmacoy.	"The prices of ten bollis wictuall sufficient stuff." Four witnesses appeared and deponed "that the boll meill at Martinmes gaiff 26/8."
6.	Court of Baillies of the Regality of St. Andrews.		Constituted in terms of Royal Commission for the purpose of serving Lord Huntlie to the Keig and Monymusk Lands and to meet the difficulty, which a former Jury had found in there being no Archbishop of St. Andrews and no Chancellarrie thereof. Only Mr. Bissat sat at this Court.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1575-6. Febry. 6.	Commission, Royal.	Gilbert Mengzes of Cowly, Mr. George Myddiltoune and Mr. Gilbert Bissat of Petmukistoune.	To act as Baillies of the Regality of St. Andrews in carrying through the service of Lord Huntlie.
16.	Another sitting of the Regality Court.		On this occasion Mr. George Myddiltoun sat and ratified the proceedings of 6 Feby.
17.	List of Jury on Inquests.	James Gordoun of Meythlik. R. Turing of Fouerne. John Erskeyn of Balhagartye. Patrick Leyth of Harthill. William Cheyne of Arnege. John Gordoun of Brunye. William Craufurd of Fedderett. Thomas Fraser of Durris. John Ross of Auchlossine. John Kennedy of Carmuk. William Leyth of Lyklieheid. George Leyth of Eddingarraucht. William Urry of Pitfiquhy. James Pantoun of Tullimad. Henry Leyth of Ryhill. John Cheyne of Crabistoun. Alexander Burnet of Cragour.	Numbering 17.
	Special Service.	The Earl of Huntlie.	Myddiltoun and Bissat sit and the service to the Regality Lands in Keig and Monymusk &c. &c. is carried through.
	Special Service.	Wm. Craufurd of Fedderet grandson of George Craufurd of Fedderet.	Lands of Culsche and also Annoquhy in the Barony of Fedderet. The Earl of Huntlie presides as Sheriff along with Mr. Gilbert Bissat who was the ordinary Sheriff depute at this time. Old value of Culsche 40/- Present value £8. Old value of Annoquhy 20/- Present value £4. Held of Crown for service of ward and relief. The lands of Culsche in nonentry for 16 months since decease of Agnes Ogilvy conjunct fiar, and Annoquhy for 3 years and 11 months since death of George Craufurd.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1576. April 14.	List of Jury on Inquests.	Alexr. Buchan of Auchmacoy. John Lesly of Buchanstoun. William Urry of Norhame. John Ogstoun in Turreff. Alexr. Leslie of Crechie. Gilbert Burnet in Gask. William Burnet in Cragytochir. Robert Gordoun in Udaucht. Alexr. Abirnethy in Knokleyth. Gilbert Jak in Vodheid of Udaucht. Gilbert Hay in Perkzeok. Andrew Schand in Petgair. Gilbert Jak in Braidmuir. James Innes in Kyninmound. Thomas Leisk of Auchmad.	
	General Service.	John Thomesoune son of John Thomesoune of Raclocht.	
	Service Tutory.	Wm. Leslie pupil son of Wm. Leslie in Fuilzemonth.	Alexr. Leslie in Meikill Warthill his Uncle appointed Tutor. Stephen Leslie Cautioner for him.
May 1.	Head Court.		List of Absent Barons fined.
	List of Jury on Inquests.	Gilbert Menzes of Couly. Gilbert Menzes Senior burgess William Menzes of Farehill. Andrew Menzes burgess. William Menzes Senior. Alexander Lowsone. Mr. Patrick Rutherford. James Spenss. Robert Malysone. John Quhyit in Ardlahill. William Cumyng of Inneralloquhy. Alexander Fraser in Memsy. John Fraser do. Gilbert Fraser in Housahill. William Fraser in Faythlie.	

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1576. May 1.	General Service.	Katherine Fraser, one of the two daughters of Thomas Fraser of Strequhine.	
	General Service.	Violet Fraser the other daughter.	
2.	Removing, Action of and Violent profits.	Alexr. Setoune apparent of Meldrum *v.* Wm. Abirnethy of Bischopisbyrnes and Wm. Garmak in Bogfechill John Wawane there George Symesoune there and Alexr. Myll there.	Setoune sued as Assignee of Adam Gordoun of Auchindoune, in virtue of an Assignation dated at Aberdeen on 2 July 1573. Adam Gordoun's Sasine dated 21 Novr. 1560 was also produced. This was a strenuously defended action, the competency of the Sheriff deputes, who were stated to be creatures of Lord Huntlie the Sheriff, of whom Auchindoun held his lands, being vigorously attacked. The pleadings cannot be further summarized. Various diets were held subsequent to this, until on 10 May the case was stopped by advocation and the Sheriffs depute discharged from farther proceeding.
3.	Payment, Action of,	Alexr. Fraser of Phillorth and John Fraser in Memsy *v.* Wm. Cuming of Inveralloquhy.	From the narrative it appears that Phillorth having 1400 merks belonging to Inverallochy in keeping, had directly and indirectly paid to him or on his account a considerably larger sum. This Decree is for the balance over paid. The 1400 merks had been paid on behalf of Phillorth by "Maister Paull Fraser, Chantour of Brequhine."
	Payment Teind Sheaves, Decree for.	Mr. Robert Lumisden of Clovayth *v.* Wm. Gib in Meikill Drumquhendill.	The Teind Sheaves of four oxingang of Meikill Drumquhendill vizt :— Crop 1572, 4 bollis 1 firlot meal = £9. Crop 1574–Do.–at 5 merks p. boll. Crop 1575–Do.–at 32/- per boll.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1576. June 9.	Cognition, Actions of. (*Supra* 31 Octr. 1575.)	Inneses *v.* Mengzes *et e contra.*	These actions were on the roll on this day, when in Gilbert Mengzes action there were produced for him (1) Feu Charter by the last and present Earls of Huntlie (the latter at that date Lord Gordoun) dated at Stirling 15 April 1555. (2) Charter by the Abbot and Convent of Abirbrothok dated 20 July 1564. (3) Instrument of Possession 16 May 1555. These titles were challenged (First) Because of the Escheat of the Earls of Huntlie and (Second) Because no Infeftment had followed upon the Abirbrothok Charter.
	Violent Profits, Action of.	Wm. Auchinlek of Schethine *v.* Jonet Mowat widow of Thomas Coupland.	This was the natural sequel to the Action and Decree of Removing already referred (*Supra* p. 225).
	Spuilzie, Action of.	The same *v.* The same.	Another sequel to the former proceedings. The Defender is charged with having taken 32 bolls of oats with the fodder worth 40/- p. boll.
	List of Jury on Inquests.	Mr. Robert Lumsden of Clowayth. Mr. George Johnnestoun of Isakstoun. Alexr. Mengzes burgess. Martin Howesoun do. Patrick Gray do. Alexr. Howesoun do. Andrew Hunter do. Robert Malisoun. Alexr. Cullan burgess. Alexr. Lousoun do. William Jakis do. William Mar do. Alexr. Hay do. Patrick Malysoun do. Andrew Brabner do.	
	General Service.	Wm. Leslie son of Wm. Leslie of Fuilzemonth.	(*Vide supra* 14 April 1576 p. 238.)

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1576. June 9.	Special Service.	Gilbert Gray grandson of Isabella Prat.	Half of an annual rent of 5 merks payable from the Lands of Udny. Nine months in non-entry.
20.	Letter of Removing and Agreement.	David Haliburtoun *v.* Oliver Bissat and George Murray in Garrie.	Records a bargain between the parties relating to 8 oxingang of the Middle plough of Garrie in the Barony of Drumblait.
21.	Removing, Decree of.	Patrick Coupland of Udaucht *v.* Jonet Mowat widow of Thos. Coupland and others.	The Houses and Fortalices of Udaucht as also the Ailhouse and Ailhouse Croft of the same. Sasine dated 3 Novr. 1575. From the above it appears that the widow was still stubbornly keeping possession of the subjects.
	Special Court of The Sheriffdom of Aberdeen and Regality of St. Andrews.		The Court constituted.
	Do.		A Royal Commission presented in favor of Gilbert Mengzes of Cowlie and Messrs. Geo. Middleton and Gilbert Bissat, which was granted to obviate the difficulty which Lord Huntlie or his deputes had in trying causes of Removing against the Huntlie tenants from the Regality lands.
	Removing, Decree of.	Geo. Gordoun of Lesmoir *v.* Tenants of Wranghame.	The Title deeds produced by Lesmoir were (1) Charter of the Lands of Wranghame and Newtoun of Culsalmond, Walk Miln and Corne Miln granted by Henry Kempty alias Duvy dated 23 April 1562 (2) Sasine dated 29 April 1562.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1576. June 22.	Removing, Decree of.	Patrik Mowat of Boquholly *v.* Tenants.	A number of holdings are mentioned. The Pursuer's Sasine was dated 7 Novr. 1564. Notary Mr. Andrew Leslie, Sheriff Clerk.
23.	Removing, Decree of.	William Strauchauchine of Glenkyndy *v.* Alexr. Williamsoune.	The defender is designed "pikeman of the Miln of Auchnagat and uptaker of the multur and knaifschipe of the tounes and lands of the Miltoun of Auchnagat, Intoun of Auchnagat, Denmoir, Cukishill, Barrak with the landis of Sauak" belonging to the Pursuer, in the Barony of Kelly. Sasine dated 20 Feby. 1566.
25.	Removing, Action of.	John Leslie in Kyntor *v.* Robt. Makky and others.	Certain ruids of land in Kintore. Competing titles. (*Vide Supra* 12 April 1575 p. 219.)
	Removing, Decree of.	Alexr. Keyth of Glacreaucht *v.* Andrew Harthill and Leonard Thome in Wester Fintray.	Each defender occupied one half of 8 oxingang of land in Wester Fintray belonging to the Pursuer in liferent. Sasine dated 20 and 23 Decr. 1562.
	Removing, Action of.	Madame Elizabeth Gordoune Lady Geycht *v.* George Gordoun of Scheves and others.	The towns and lands of "Carnoreis, Mekill Ardoch, Mill, Millandis and Multuris" thereof. Sasine dated 6 Decr. 1566. Notary the late Mr. Andrew Leslie, Sheriff Clerk. Continued to 9 July "in hoip of dress and concord."
26.	Removing, Decree of.	John Gordoune of Carnefechill *v.* Wm. Charlis and Alex. Foulartoune.	Town and lands of the Mill of Carnefechill, within the Regality of Abirbrothok and Parish of Tarves. Sasine dated 20 Augt. 1571.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1576. June 26.	Removing, Decree of.	George Bard of Auchmedden *v.* Wm. Broune and George Broune.	William Brown's holding is thus described "The haill sonne third of the toun and landis of Petmonie with ane third of the corvall quhyit fisching boit and corvell boit tharoff." George Brown is designed as "occupear and lauborar of the haill schado tua pairt land of the toun of Pennan with the tua pairt of the corvall and baittis tharoff." These subjects were stated to be situated in the Barony of Borthuik by annexation. There were produced (1) Feu Charter of the Lands and Barony of Abirdour signed by Wm. Borthuik of Abirdour at St. Andrews on 31 Jany. 1568 and (2) Sasine dated 18 March same year.
	Removing, Action of.	George Bard of Auchmedden *v.* John Quhyit, Barbour in Pettulie, John Ramsay in Abirdour and Symound Quhyit.	John Quhyit claimed to be tenant of "the sonne third of the toun and landis of the Mains of Abirdour with the third of the quhyit fische boit of the same and heavin of the privilegis perteining thairto." Symound Quhyit was his son and subtenant. Ramsay occupied the "haill toun and landis of Killequharne." The Pursuer founded upon his Titles (vide preceding entry) and for John and Symon White was produced a lease by Wm. Borthuik dated 23 Augt. 1571 for 5 years from Whitsunday 1572. After some pleading in which Ramsay's name does not appear, the Sheriff depute "tuik to be aduysit with the allegeance and to pronunce his interloquitour the morn."
27.	Same case.	Same parties.	After very lengthy pleadings depending upon titles and possession following upon them, the Sheriff depute decides in favor of the Pursuer and by a separate entry on the same day formal Decree of Removing is pronounced against the Whites and Ramsay.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1576. June 28.	Removing, Decree of.	James Dempster of Auchterles *v.* James Cheyne, Patrick Barclay, James Lamb and Maly alias Marzeoun Tevindaill.	Parts of Ordley, Bakehill and Logyaltoun in the Barony of Auchterles-Dempster.
29.	Removing, Action of.	George Bard of Auchmedden *v.* John Quhyit in Ardlahill and Constantyn Ramsay his subtenant.	The principal Defender appears to be identical with John Quhyit, barber in Pettulie, one of the Defenders in the previous case. In this action he offers to improve, i.e. disprove, the validity of the Pursuer's titles and calls for production of official copies.
	Removing, Decree of.	Dempster *v.* Barclay Lamb and Tevindaill.	This seems to be a slightly altered repetition of the Decree on the previous day omitting Cheyne.
July 2.	Removing, Decree of.	James Innes of Touchis *v.* Tenants of Petfour and Legat.	Auld miln land of Petfour, Third part of Legat, A plough of Petfour, parts of the Barony of Touchis by annexation. Sasine dated 3 July 1541.
7.	Court of the Sheriffdom of Inverness.		Constituted for the Service of John Leslie of Balquhane as heir to certain subjects situated in the County of Inverness.
	Royal Letters of Dispensation for holding above Court at Aberdeen.		These are engrossed fully and besides fixing place and date, authorize the Jury chosen to ignore any allegations that Wm. Leslie was, when he died, at the Horn or similar allegations against John Leslie.
	Commission by Lord Huntlie as Sheriff of Inverness.		Also fully engrossed. The special deputes were Gilbert Mengzes of Cowlie, Martyn Howesoun, David Gunnar and Patrick Malysoun, burgesses of Aberdeen or any two of them.
	The Brieff or Letter directing the Service to proceed.		This is narrated, the description of the Subjects being given and three Instruments of Sasine all dated 16 Octr. 1567 being produced, along with a Confirmation under the Great Seal dated 29 Novr. 1567.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1576. July 7.	The Petition for Service.	John Leslie of Balquhane.	This is engrossed in full. It begins "My Lordis of Inquest I Johnne Leslie off Balquhane desyris" &c.
	Appearance for Alexander, Bischope of Ross.	William Fergusone his procurator.	Desire to be allowed to appear for the Bishop's interest.
	Procuratory by The Bishop.		Engrossed in full.
	Objections on behalf of the Bishop and Answers.		The objections were at this stage of a dilatory or preliminary nature and were repelled and a Jury of 21 sworn in.
	Appearance for Jas. Hepburn.	Wm. Fergusone his procurator.	Hepburn is designed "Constabill of the Bischopis Palice in the Channonrie of Ross and feuar" of the lands &c embraced in Balquhane's Petition and Brieff.
	Procuratory.		Hepburn's procuratory to Fergusone dated at the Chanry of Ross 4 July 1576 is engrossed in full. It was ruled out of Court because it authorised him to appear only before the Sheriff of Aberdeen and not the Sheriff of Inverness.
	List of Jury on Inquest.	William Setoun of Meldrume. William Udny of that ilk. James Elphinstoun of Glak. Patrick Leyth of Harthill. James Gordoun of Tulliangous. Alexr. Gordoun of Knokespok. William Leyth of Barnis. Alexr. Forbes of Thainstoune. Alexr. Leslie of Petcapill. John Setoun of Auchinhuif. Stephen Leslie of Warthill. Mr. William Annand of Petgovny. James Kyng of Barraucht. James Pantoun of Tullimad. Walter Barclay of Kynarroquhy. Gilbert Udny in Auchloun. William Leslie in Innerovrie. Alexander Lousoun burgess William Mengzes do. Andrew Udny of Tullery. Richard Udny in Mynnes.	Numbering 21.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1576. July 7.	Special Service.	John Leslie of Balquhane son of Wm. Leslie of Balquhane.	Kirklands of Culliquidnye, Farnes, Westir Culvoill, Wodheid. Lands of Balmungie, Miln of Rosmarky, Lands of Killeirnan Kirklands of Eister Radrie, Westir Radrie, Rosmarkie. Lands of Cannonie vulgo callit the Channonrie land with the Bischopis sched and salmound fisching of the Ness. Kirklands of Lerny, Miln of Avak. Lands of Craigheid, Lands of Kinbeachie, Lands of Contan Lands of Lyaldy, Lands of Kirskey Lands of Insche with the bushes and wood adjacent thereto, the Broyniehill, together with the heritable Constabulary of the Palace of the Bishoprick of Ross with houses yards &ca. Also an annualrent of £100 Scots and six chalders of victual of the farms and profits of the Bishoprick.
	Protestation and Cross Protestation.	Wm. Fergusone procurator for Hepburn and by the Sheriffs.	For Hepburn the protest is against the decision rejecting Ferguson's procuratory. The Sheriffs state a protest in the contrary, because Ferguson has no locus standi.
	Protestation.	The Jury.	The "haill Asyiss" protest in the same sense as the Sheriffs.
9.	Removing, Action of.	Bard *v.* Quhyit.	This was the diet fixed for the defender's improbation of the Pursuer's title: but on the case being called Letters of Advocation were produced. These, containing the reasons of Advocation, are inserted at length. Among other things Quhyit and his predecessors are said to have been kindly possessors of the subjects for 1000 years.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1576. July 9.	Removing, Decree of.	Meriore Maitland widow of Alexr. Craufurd in Mekill Bomakellie *v.* John Sangster and his sub-tenant.	"Schado third pairt landis of Mekill Bomakellie" in the Barony of Fedderet. The Pursuer's title was a 19 year's lease from Alexr. Irving of Drume dated 12 May 1575.
	Removing, Decree of.	Madame Elet Gordoune, Lady Geycht *v.* George Gordoun of Schewes and others.	Continued from 25th June. Lands of Carnoreis, Meikill Ardo &c. &c. Decree passed at this Court, the Defenders having failed to find caution for the Violent profits, in terms of the Act of Parliament.
	Removing, Decree of.	Elet. Forbes and Thos. Mengzes of Petfoddelis her present husband *v.* Nicoll Elleis.	Mill, Mill lands &c. of Pettindrum belonging to the lady in liferent in the Barony of Auden.
	Removing, Decree of.	Alexr. Setoun Apparent of Meldrum *v.* Bessy Stot widow of John Strauchauchin.	"Tua oxingang of the toune and landis off Ardconan" in the Barony of Meldrum.
	Removing, Decree of.	Andrew Knox of that Ilk *v.* Christan and James Banerman.	Parts of the Lands of New Knok in the Barony of Auden. Sasine dated 23 May 1569.
	Removing, Decree of.	Williame Urry of Petfiquhy *v.* Patrick Robertsoune.	"Four oxingang of the Westir pleucht of the toun and landis of Nethir Baquhorsky" situated in "the Lairdschipe off Petfiquhie and Regalitie of Sanct Androwis."
	Violent Profits Liquidation, Action of.	Sir John Carnegy of Kynnard *v.* Alexr. Waus of Ruthvenis.	This case appears again after having been advocated to the Court of Session. The Defender is summoned to hear and see the action "Walkin and begyn quhair it left." The Decree of the Lords of Session remitting the case was dated 15 May 1576 and was signed by Mr. James Makgill "Clark of the Register." Defences lodged and witnesses examined.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1576. July 14.	Removing, Decree of.	Thomas Meldrum Portioner of Haddoch *v.* John Meldrum at Miln of Petty and another.	Parts of the town and lands of Petty in the Parish of Fyvie. The Pursuer's title was a lease granted by "Dame Jeane Gordoun Lady Fywie" dated 28 Octr. 1569.
	Removing, Decree of. *(Special Court for Lord Huntly's cases.)*	George Earl of Huntlie *v.* David Casche and others.	Part of the Lands of Davidstoune and Annettis Well in the Lordship of Huntly. Sasine dated 2 March 1575.
	Removing, Action of. *(Special Court for Lord Huntly's cases.)*	The Earl of Huntlie *v.* Jonet Forbes widow of Wm. Forbes of Corsinda and wife of Wm. Forbes of Fotherbirss, Mr. Duncan Forbes of Monymusk and a number of others.	Lands in the Lordship of Monymusk and Regalitie of St. Andrews. The Earl appeared personally and produced his precept of warning dated at Bog of Geycht on 21 April preceding, and also his Sasine, of which however the date is not given. Letters of Advocation to the Court of Session were promptly produced for the defence, based upon the narrative of the well known exemption of the Forbes family, their friends and allies from the jurisdiction of the Sheriff of Aberdeen and his deputes.
21.	Removing, Decree of.	Wm. Keyth of Ludquharne with consent of Geo. Gordoun of Crechie his curator *v.* Andrew Robertsoun.	"Tua pairt of the toun and landis of Litill Cokla," in the Barony of Balmuir. This case was defended, one of the defences being directed against the instance. It was pleaded that "George Gordoun of Crechie hes no place nor persoun to stand in jugement to persew this actioun nor yet gif his consent to persew the same in respect he is denuncit our soueran lords rebell and put to his Grace horne." The pursuer Keyth being now of age, Gordon's name was taken out of the case.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1576. July 21.	Removing, Decree of.	David Innes of Schanievell *v.* Andrew Reidfuyrd and others.	The lands of Nethir Auchbeggis in the Dominioun of Huntlie and Barony of Invermarky. Sasine dated 18 March 1574 apparently proceeding upon a lease.
	Removing, Decree of.	Andrew Leslie Burgess of Abd. *v.* Wm. Blak and Ingrame Blak.	From the shadow and sunny four oxingangs of the shawdow plough third part lands of Harlaw. Sasine dated 5 August 1573.
	Removing, Decree of.	Robt. Irving of Murthill *v.* John Andersoune in New Mylne of Waistoune.	"Four pairt of the said Miln, millandis, multures, knaifschipe houssis biggingis" &c. in the parish of Tarlen. Pursuer's title was a lease dated 24 Febry. 1559, granted by Margaret Ogiluy widow of Alexr. Gordoune of Cluny and Mr. Wm. Gordoune of Terpersie then her husband, of the Eist quarter of the lands of Westoune.
	Removing, Decree of.	Robt. Irving of Murthill *v.* Tenants of Fedderet.	In this case all the defenders produced leases and stated their willingness to pay the rents therein specified, upon which they were absolved from the charge of wrongous or violent occupation: but ordained to pay to the Pursuer the rents in their leases.
26.	Removing, Decree of.	Mr. Thomas Steuart in Auld Abirdeine portioner of Mameula *v.* Andrew Watsoune and Wm. Porter.	Watsoune was ordered to remove from "tua oxingang of the toun and landis of Haltoune of Fintray" and Porter from "ane croft liand at the Stok Fuyrd, in the Lordschipe of the Bischoprik of Abirdeine." Sasine dated 4 July 1556.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1576. July 31.	List of Jury on Inquest.	William Cuming of Enneralloquhy. Alexander Keyth of Carnes. John Meldrum at Mill of Tullielt. Patrick Meldrum in Auchquhortye. Andrew Burnet in Kyninmound. Andrew Keyth in Ravinscrag. Thomas Cok in Mekill Cokclay. Michael Hunter in Scottismiln. John Fraser in Memsy. William Hay in Cremond-Nethir. Jasper Movat in Over-Cremondgortht. William Fraser in Perk of Cremondgortht. Adam Dauidsoun at Mill of Mogat. James Craik in Blairmormound. Henry Myddiltoun in Dennis. William Fraser Senior in Cokclay. William Fraser in Clubbiscorss. James Bruce in Buchlay. Thomas Robertsoun in Cokclay. John Dauidsoun in Neuburght. Mr. John Robertsoun burgess of Abirden.	Numbering 21.
	General Service.	James Keyth grandnephew of Thomas Cuming in Hyrne.	
	Removing, Decree of.	Wm. Hay of Delgaty *v.* Gilbert Catto.	Four oxingang of the "Sonne pleucht of Kynminity." Sasine dated 2 April 1576.
	Removing, Decree of.	Wm. Cuming of Inveralloquhy *v.* Katherein Kandy alias Abirnethie and John Cruden.	Shadow half lands of Armabedy, House and Croft in the Mains of Inverallochy "in the Hill of Faulds and Eist syid tharoff." Another croft in the Mains, in the fauld "callit Andro fauld." Barony of Lonmay. Sasine dated 20 Febry. 1572.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1576. July 31.	Removing, Decree of.	Alexr. Irving of Drum *v.* Patrick Tarves.	"Schado four oxingang of the Schado pleucht of the landis of Corskellie" in the Barony of Lonmay. Sasine dated 15 May 1553.
	Cognition Decree Absolvitor.	Robt. Innes of Invermarkie with consent of Merzoun Ogilvie his mother. Alexr. Innes of Ardgrayn and Girsall Auchinlek his wife *v.* Mr. Robert Chalmer Burgess of Abd. and others.	The first appearance in this volume of the litigation, of which this and the Decree immediately following mark the termination, was in April 1574. The dispute was about the boundaries of Wodland in the Barony of Monycabok. The Inneses were found to be wrong and Chalmer right. 26/8 of modified expenses to the defenders does not seem an excessive award.
	Cognition, Decree of.	Mr. Robt. Chalmer burgess of Abd. Jonet Keith his wife and Andrew Bane portioner of Tillegrig *v.* Alexr. Innes of Ardgrayne heritable feuar of Wodland and others the tenants.	In this case Mr. Chalmer and his colleagues succeeded in establishing their case against the Defenders for molesting and troubling them in their peaceful possession of their lands and got Decree accordingly with expenses modified to £4.6.8.
Augt. 31.	List of Jury on Inquest.	Robert Turing of Fovern. Alexander Setoun apparent of Meldrum. William Cheyn of Arnage. Alexander Annand of Ouchterellon. John Setoun of Auchinhuiff. George Meldrum of Ardfork. William Meldrum of Kilblene. Patrick Meldrum of Auquhortie. Mr. Robert Lumsden of Clowayth. Thomas Tulideff in Balmadie. Gilbert Reid of Collistoun. Richard Udnie in Mynnes. Gilbert Udnie in Auchloun. Andrew Udnie in Tillery. George Chalmer in Braklay.	

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1576. Augt. 31.	Special Service.	John Straquhin son of Wm. Straquhin, Younger of Tibbertie the lesser.	Lands of Tibbertie the lesser, and Mill thereof. Lands of Ardlethin-Scott, in the Barony of Slains. Both held of the Earl of Erroll, the former in feu farm, the latter blench. In non entry two months and eight days. Old value of Ardlethen 50/-. Present value £10.
	Dispensation for holding above Court in vacation.		The first time in which such a Dispensation is found engrossed in full.
Octr. 2.	Head Court.		List of Absent Barons fined.
	List of Jury on Inquests.	Gilbert Mengzes of Cowlie. Gilbert Mengzes Senior. William Mengzes Senior. William Mengzes of Farihill. Andrew Mengzes. Gilbert Collisoun. Alexander Lousoun. Dauid Andeaucht. James Spens. Robert Malisoun. Gilbert Fraser in Houshill. William Fraser in Faithlie. Robert Patersoun. George Wobster burgess. William Cuming of Innerralloquhie. John Quhite in Ardlahill. Alexr. Fraser in Memsy. William Fraser there. James Chalmer at Mill of Strequhin. Symon Quhite in Abirdour. Archibald Ramsay in Tyrie.	Numbering 21.
	Special Service.	James Fraser brother of Margt. Fraser.	Third part town and lands of Eister Tyrie in the Parish of Tyrie. Old value 26/-. Present value £4. Held blench of Phillorth. In non entry a month.
	Special Service.	James Collie son of Patrick Collie.	The Croft called Dira Croft in the Parish of Lumphanan, held blench of John Charteris of Kynfauns. Old value 3/-. Present value 8/-. In non entry three years.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1576. Octr. 2.	Protestation.	Patrick Cheyne of Essilmounth in name of John Chartouris of Kinfawnis.	Protests against Collie's service in respect Charteris is heritably infeft in the subjects of service.
	Removing, Action of.	Alexr. Leslie in Warthill Tutor at law to Wm. Leslie *v.* Wm. Gordoune of Auchindoir and others.	Defences lodged. Pursuer to lodge answers on Allhallow evin.
3.	Nature of Action not disclosed.	Alexr. Forsyth *v.* John Myll in Strocharie.	Pursuer renounces further probation and protests for Decree.
	Removing, Action of. (Decree agt one defender.)	Wm. Leslie of Wardes *v.* Tenants of Taveltie.	Parts of the Lands of Taveltie in the Thanedome of Kintore. Sasine produced dated 4 August 1557. Certain defenders produced leases by James Keyth of Auchorsk and found caution while one was ordained to remove.
	Spuilzie, Action of.	James Cheyn in Mounkishill *v.* David Chevant in Creichnalaid.	Defences lodged and case continued to All hallowevin.
	Spuilzie, Action of.	Wm. Auchinlek of Schethin *v.* Jonat Mowat.	Diet of proof. Pursuer renounces probation and moves for Decree.
	Removing, Action of.	Meriorie Leslie and Wm. Ogstoun her husband *v.* David Lamb.	Continued in hope of concord to Allhallowevin.
	Cognition, Action of.	Alexr. Irving of Ordley *v.* John Lyoun of Commalegie.	Continued to Allhallowevin.
	Nature of Action not disclosed.	Wm. Leslie of Wardes *v.* Walter Barclay of Kynnaroquhie.	Sheriff depute repels the exceptions and eiks for Barclay and allows Leslie a proof.
	Eviction, Action of.	Alexr. Buchan of Auchmacoy *v.* Mr. Oliver Pantoun burgess of Abd.	Judicial submission of the dispute entered into in open Court on oath. Lord Huntly being "odman and ourman."
	Cognition, Action of.	Setoun of Meldrum and another *v.* Cheyne of Crabistoun and his tenants *et e contra.*	Both actions continued of consent to Allhallowevin.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1576. Octr. 3.	Payment of Rent, Action for.	David Jak in Westir Cheyne *v.* Thos. Smyth in Rora.	£110 "of the maillis of the Baronie of Fetarresso for certane yeiris." Defences lodged.
	Damages, Action of.	Geo. Meldrum son and apparent heir of the late Wm. Meldrum of Fyvie his father *v.* Dame Jeane Gordoun Lady of Fyvie his grandmother.	"For the latting of the Tour, fortalice and maneir plaice of Fyvie woddis thairof and uthers office houssis fall doun decay ruyne and the said wods cuttit and destroyit." Case continued to "Witsonday Evin nix to cum in hoip of freindlie dress and concord."
	Transumpt of Sasine.	George Bard of Auchmedden.	Lands of Abirdour dated 18 March 1568.
	Violent Profits, Action of.	George Bard of Auchmedden *v.* Symound Quhite, John Quhite, barber, his father and John Quhite in Ardlahill.	Preliminary defences disposed of and proof allowed to Pursuer on Allhallowevin.
9.	Violent Profits, Decree of.	Auchinlek *v.* Mowat.	Following upon Decree of Removing. Very complete example of this kind of Decree. (*vide supra* 30 July 1575.)
	Spuilzie, Decree of.	The same *v.* The same.	30 bolls of oats with the fodder. Price p. boll sued for 40/-. Price do. decerned for 20/-.
1648-9. Jany. 3.	Extract or copy of Royal Letters for Taxation of County.	Queen Mary and James Earl of Arran Protector and Governor of Scotland.	On the narrative that "our auld enemies of Ingland intendis the Spring of this yeir To invad our Realme with all thair force and power."
	Sitting of Court and Inquest for Taxation.	John Leslie of Balquhane Sheriff depute.	Thirty three Barons sat on the Inquest.
	Valuation of County. (*Ant. A. & B.* II. 113.)		

Illustrative Examples taken from Diet Book, Vol. III.

Action of Spuilzie

[The following is excerpted from Decree at the instance of Henrie Duf in Auchinclocht[1] against Alexander Many there]

(2 March 1573-4)

That quhair the said Alexander wrangouslie wiolentlie and maisterfully spuilzeit avay tuik detenit and as yit withthalds fra the said Henrie of tua pleucht draving oxin ane thairof blak quhyit hornit and the uthir blak gray hornit price of ilk peice ten poundis usuall money of this realme Togidder witht thair excressens daylie and yeirlie profeittis thairof undirvritine sen the spoliatioun of the samen wrangouslie wiolentlie and maisterfully spuilzeit be the said Alexr himself in propir persoun and uthiris in his name . . . . . fra the said Henrie ane nycht immediatlie preceiding Barthol evin quhilk wes in the monetht of August or thairby the yeir of God $j^{m}v^{c}$ fiftie sex yeiris furtht of the boggis at the Walkmiln of Beltye The said Henrie beand passand thair with the saidis tua oxin to Barthol mercat to haue sauld the samen thar . . . . . and als in the wrangous wiolent and maisterfull detening and withthalding fra the said Henry of the yeirlie commoditie and profeittis quhilkis he mycht haue haid of the saidis tua oxin sen the spoliatioun thairof to the space of sevintene yeiris or thairby last bipast and yeirlie in tyme cuming quhill the restitutioun of the samen The profeit of ilk peice in wark and laubour extending yeirlie to three bollis of wictuell price of ilk boll yeirlie ourheid fourty sh monie forsaid and ilk peice in guiding and tatht[2] yeirlie to vi sh viij d quhilkis oxin of the price and walour forsaid ves wortht na less profeit and commoditie yeirlie in wark laubour and tatht or at the leist wald haue beine of na les excressens and yeirlie profeittis as said is in vark laubour tatht and guiding . . . . . The Shref deput . . . . . fand decernit and pronuncit that the said Alexander Many did wrang . . . . . and thairfoir decernit and ordinit the said Alexander Many to refound randir and restoir to the said Henrie Duf and his possessioune the saidis tua oxin als guid as thai wer the tyme of the spoliatioune thairof or than the sovme of twentie merkis monie forsaid

1. Probably Auchinclech in the Parish of Skene, *vide Exch. Rolls.*

2. The manuring of the ground by the grazing or lying out upon them of cattle, originally applied to black cattle.

Togidder witht sex firlottis meill for the profeittis of ilk ane of the samen in wark laubour and hyirgang yeirlie and ilk yeir sen the tyme of the spoliatioune thairof aboune mentionat or than the pricis of the said wictuell yeirlie according to the feiris of the yeir &c. &c. &c.

Action of Wrongous Intromission

(1 February 1573-4)

THE said day in the actioune and caus movit and persevit be Robert Cultis of Ouchtercoull aganis George Gordoun of Lesmoir for the vrangous intrometting detening and withthalding fra the said Robert of ane meir of gray cullour of three yeiris of eild or thairby price and valour thairof xx merkis usuall money of Scotland than pertening to the said Robert and being in his possessioune as his propir geir being markit with his avin propir irne mark within the Forrest of Corgarf liand within the lordschipe of Kyldrymmy and Schirrefdome of Abirdein lik as in my lord Schirreffis precept at leyntht is contenit Compeirit the said Robert persevar and producit the said precept deulie execut and indorsat to this day and desyrit proces and the Schirreffis depuittis[1] at the desyr of Androw King procuratour for the defender assignit the secund day of Merche nixtocum to the said defender to produce all his defenssis dilatouris and peremptouris in writ in presens of Paipe and King procuratouris for the parteis warnit thairto apud acta curie on the quhilkis thai tuik act of Court and instrument

(2 March 1573-4)

THE said day in the terme assignit to George Gordoun of Lesmoir to produce all his defenssis . . . . . Compeirit James Gordoun of Ouchterarne and Mr Johnne Kennedy procuratouris for the said George and denyit the libell as it is intentit protestand gif the same beis nocht provin as is libellit for absoluitour And in respect thairof the Schirref deput admittit the said libell to the probatioun of the persewar and assignit Palmesounday evin nixt to the persewar to preif for the first in presens of the said procuratouris for the defenderis and Paipe procuratour for the persevar warnit apud acta curie

(3 April 1574)

THE said day in the terme assignit to Robert Cultis of Ouchtercoull to preif his libell for the first . . . . . Compeirit the said Robert and Alexander Paipe his procuratour and producit my Lord Schirreffis precept deulie execut and indorsat on James Makinbraber Thomas

1. At this court Mr. Gilbert Bissat and Allan Bulfurd (Balfour).

Mackirdy and Duncan Cultis witnes admittit and suorne and Johnn Reid in Miguy contimaxit[1] Togidder with ane messiue bill writin and subscriuit with the hand of the said George Gordoune as appeirit And the Schirref set Wednisday nixt eftir the heid Pasche court nixtocum to the said Robert to preif for the secund in presens of . . . . .

(21 April 1574)

THE said day in the terme assignit to Robert Cultis of Ouchtercoull to preif for the secund aganis George Gordoun of Lesmoir Compeirit the persevar and producit my lord Schirreffis precept deulie execut and indorsat on Johnn Reid witnes admittit and suorne and producit Robert Thomesoune and desyrit him to be admittit quhome aganis it wes exceptit be Maister Johnne Kennedy procuratour for the defender that the said Thomesoune is seruand and tennent to Johnne Forbes of Towy quha and his tennentis and seruandis ar exemit fra the jurisdictioun of my Lord Huntlie Schirref of Abirdeine and his depuittis be reassoun of inminitie and deidlie feid standand betuix the Gordonis and Forbessis as the exemptioune beiris and thairfoir the said Thomesoune aucht to be repellit and Paipe procuratour for Auchtercoull allegis the said exemptioune nocht irreleuant [? relevant] And Witsounday nixtocum assignit to Ouchtercoull to preif for the third . . . . .

(29 May 1574)

THE said day in the terme assignit to Robert Cultis of Ouchtercoull to preif for the third aganis George Gordoun of Lesmoir Compeirit the said Robert be Alexander Paipe his procuratour and producit Findlay Makkallister Muilsoun in Waister Mechoa[2] and Thome Mackonny in Eister Mechoa witnes summoundit and contimaxit renuncit forder probatioune and protestit for condampnatour

(23 June 1574)

THE said day in the actioune and caus movit and persevit be Robert Cultis of Auchtercoull aganis George Gordoune of Lesmoir for the wrangous intrometting detening and withhalding fra the said Robert of ane meir of gray cullour off thre yeir auld or thairby conforme to my Lord Shreffis precept makand mentioun That quhair in the monetht of Junij or thairby in the yeir of God Ane thousand five hundretht threscoir nyn yeiris the said gray meir of three yeir auldis or thairbye price and walour thairof tuenty merkis usuall money of Scotland than pertening to the said Robert and being in the said Robertis possessioune as his avin propir geir being markit with his avin propir irne mark wes stovin or

1 Found to be in contumacy for not obeying citation.

2 If this is not a corruption or mis-spelling for Migvie, the writer cannot identify the place

strayit fra the said Robert furtht of the Forrest of Corgarf liand within the lordschipe of Kildrymmy and Shrefdome of Abirdeine the quhilk meir continewalie sensyn and as yit pertenit and pertenis to the said Robert lik as the same pertenit to him foilit in his avin possessioune of ane of his avin propir meiris And thaireftir in the monetht of Jullij last bipast in the yeir of God lxxiij yeiris the said Robert sirceand[1] and seikand his said meir comprehendit the samen in the possessioune of ane honourabill man George Gordoune of Lesmoir within the boundis of the Forrest of Garbit[2] within the said Shrefdome quhair he the said Robert deulie and ordurlie challangit the same in the said George possessioune and offerit him reddy in forme of law to haif uerifeit and provin the said meir to haif beine and thane to be his avin propir meir as said is and that beand done requerit the said George to haue deliuerit to him his said avin meir Togidder with the profeittis sen the away taking or away straying of hir furtht of his possessioune as said is extending to ane staig of tua yeir auld the price ten poundis and ane uthir staig of ane yeir auld the price vi lib xiij sh iiij d The quhilk meir with hir profeittis forsaidis of the law and consetud of the realme the said George aucht to haue randerit and deliuerit and aucht to rander and deliuer to the said Robert be reassoune that he the said George wrangouslie intromettit thairwith pertening to the said Robert as said is in the monetht of Junij or thairby in the yeir of God lxxi yeiris and continevalie sensyn wrangouslie detenit and withheld the same fra the said Robert Neuertheles the said George wald nocht deliuer the said meir with hir profeittis price and walour forsaid to the said Robert nor yit will deliuer to him the samyn bot wtirlie refuisit postponit and deferrit to do the samen or at the leist deferrit to do the same unto the tym that the said Robert suld lauchtfullie werefie and preif the same to be his avin as said is and quhill he be compellit to do the same be justice lik as in my lord Shreffis precept at mair leyntht is contenit COMPEIRING the said Robert persevar be Alexander Paipe his procuratour and producit my lord Shreffis precept deulie execut and indorsat to this day quhairwith the said George wes lauchtfullie sumoundit to this day to heir and see ane sentence and decreit pronuncit in the said caus and the said George oft tymes callit and nocht compeirand lauchtfull tyme of day biddin The Shref deput forsaid being ryiplie and at leyntht aduysit with the preceptis actis probationis and depositionis of certane famous witnessis sumoundit admittit suorne and dilligentlie examinat in the said caus fand that the said gray meir pertenit to the said Robert Cultis of Auchtercoull price theirof ten poundis usuall money of Scotland and the staig of tua yeir auld price theirof ten poundis money forsaid QUHAIRFOIR decernit and ordinit the said George Gordoune to rander

1 Searching.

2 In the Cabrach or Rhynie. Vide *Ant. A. & B.*, iv., p. 465.

pay and deliuer to the said Robert and his possessioune the forsaid meir of gray cullour als good as the sams wes the tyme of his intromissioune thairwith or thane the sovme of ten poundis usuall money of Scotland Togidder with ane staig with the said meir or thane the sovme of ten poundis money forsaid for the excressent profeittis of the said meir sen the intrometting with hir and als the sovme of three poundis money forsaid for expenssis of pley maid in the persuit of the said caus within terme of law and ordinis preceptis to be derect heirone in forme of law als oft as neid beis Quhairupoune the said Alexander Paipe procuratour forsaid askit act and instrument.

Proceedings Involving Questions of Heritable Right

(12 January 1573-4)

THE said day in the terme assignit to Alexander Leslie of Nethir Dyce to exhibeit and produce all his defenssis in the actioune and caus of Cognitioune persevit be Maister George Johnnstoun burges of Aberdeine aganis him Compeirit Alexander Paipe procuratour for the said Alexander and producit the saidis defenssis in vrit and the shreffis[1] assignis Candelmes evin nixtocum to the said Mr George to ansure thairto in presens of Dauidsoun Pantoune and Pape procuratouris for the parteis varnit thairto apud acta

(1 February 1573-4)

THE said day in the terme assignit to Mr George Johnnstoun burges of Abirdeine to exhibeit and produce ansuris to the defenssis producit for the pairt of Alexr Lesly of Neddir Dyce in the actioune and caus of Cognitioune persevit be the said Maister George aganis him Compeirit King procuratour for the said Mr George and producit the saidis ansuris in vrit and the Shreffis assignis Palme Sounday evin nixtocum to pronunce interlocutour in presens of King and Paipe procuratours for baytht the parteis varnit thairto apud acta on the quhilks thai tuik act and instrument

(3 April 1574)

THE said day in the terme assignit to pronunce interlocutour in the exceptionis proponit be Alexander Leslie of Dyce and ansuris maid thairto be Maister George Johnnstoune in the actioune and caus of Cognitioune persevit be the said Mr George aganis him The Schirref deput forsaid with consent of the said Maister George and Paipe procuratour for the defender continevit the pronunciatioun thairof to

1 John Gordoun of Avachie and Mr. Gilbert Bissat.

Vednisday nixt eftir the heid Pasche Court nixtocum[1] in presens of the persewar and procuratour forsaid warnit thairto apud acta

(29 May 1574)

THE said day in the actioune and caus of Cognitioune movit and persevit be Maister George Johnnstoun aganis Alexr Leslie of Neddir Dyce in the terme assignit to pronunce interlocutour on the exceptionis proponit be the said Alexander and ansuris maid thairto be the said Maister George depending be continevatioun to this day the Schirreffis being ryiplye and at leyntht aduysit with the writtis and titillis producit repellis the exceptionis proponit be the said Alexr in respect of the ansuris and libell and titillis producit and admittis the libell to the probatioune of the persevar and assignis the xxv day of Junij nixtocum to preif the same for the first upoun the ground with intimatioune to the defender deulie as effeiris and Paipe procuratour for the defender protestit for remeid of lav vilfull errour and reductioune Quhairupoun he askit act of Court and instrument in presens of the persevar Barclay and Dauidsoun his procuratouris varnit thairto apud acta curie

CURIA Vicecomitatus de Aberdeine tenta super bondas debitabiles inter Over et Neddir Dyiss (25 June 1574)

THE said day in the actioune and caus of Cognitioune movit and persevit be Mr George Johnnstoune burges of Abirdeine aganis Alexander Leslie of Nethir Dyce in the terme assignit to the said Mr George to preif for the first Compeirit the said Mr George Johnnstoune and Maister George Barclay his procuratour and producit my lord Shreffis precept deulie execut and indorsat to this day aganis the said Alexander Leslie and witnes continitt in the said precept and desyrit the same to be admittit and suorne according to the desyr of the dyet Ex aduerso compeirit Alexr Paipe procuratour for the said Alexander and allegit the said Alexr wes nocht lauchtfullie sumound in respect he hes duelt continevalie sen Yuill last or thairby in Ratye withine the Schyir of Banf and the sumounding of him at Dyss nocht being his duelling place for the tyme lik as it wes nocht as is allegit sen the feist of Yuill is nocht sufficient bot aucht to haue sumoundit at the mercat croce of Abirdeine quhilk is nocht done and the intimatioune maid at Raty is nocht sufficient na lauchtfull sumoundis proceiding be reassoune the Shreffis Mair mycht nocht sumound outwith the boundis of the Shrefdome of Abirdeine and attour the said Mair deput nocht to be knavin ane Mair depute nor yit in use of sic office nor yit ressauit nocht the aytht of fidelitie at the Michalmes Court It is ansurit the witnes aucht to be ressauit the partie haldine to

1 No entry is found on this Wednesday: but there must have been a simple continuation on that day.

be lauchtfullie sumoundit first becaus the court and terme of probatioune is set to this day be ane judiciall [act] and the parteis and procuratours warnit thairto apud acta Secundlie the said Alexander is lauchtfullie sumoundit at his duelling place and at the ground of the landis quha hes and haid thir diuers yeiris bigane his principall duelling place one the ground of the saidis landis and lauchtfull intimatioune maid to him quhair he resortit for the tyme and ane attentik copy deliuerit to his wyif and sua he can pretend no ignorance nor non lauchtfull sumounding and to the oppositione maid contrar Alexander Johnnstoune that he is ordurlie creat Mair depute of the Shrefdome of Aberdeine sua haldin and reput and in use of executioune of the Shreffis preceptis within the Schyir forder proces aucht to be ressauit[1] And the Shref deput forsaid nochtwithstanding the forsaid allegeance[2] repellit the same in respect of the ansuris and sumoundis and decernis witnes to be ressauit Quhilk Mr George producit Johnne Robertsoune in Hillafauldis and it wes allegit aganis his persoune that he wes tennent to the Provest of Abirdeine[3] quha was fader of law to the said Mr George It was ansurit be Barclay procuratour that the said exceptioun wes nocht releuant becaus the Provest of Abirdeine hes no entres in the caus nor yit presentlie assistis at the bar with the persevar quha wes haldin pro suspenso ad aduisandum the xxviij day of Julij nixtocum Alsua producit Wm Rannaldsoune admittit nochtwithstanding the allegeance maid in the former act in respect that Syme is noder persewar nor Moir defender in this present caus of Cognitioune[4] Siclyk producit James Rannaldsoune in Corshill Ronnald Symmer in Crag Gilbert Heruy aganis quhome it wes allegit he duellit undir Gilbert Johnnstoune of Standandstanis brodir to the persevar and sua aucht nocht to be ressauit and the Shreff tuik the xxviij day of Julij nixtocum ad auisandum Als producit Alexr Sherar in the Miltoune of Fintraye Wm Bartlet in Kyneller Androw Geins in Hagheidis admittit and suorne and Paipe protestis for remeid of law in respect that Williame Bartlet is ane Wobster Attour producit Robert Cruikschank in Baddindaucht aganis quhome it wes obiectit he duellis undir the lard of Kaskebeins moder within the boundis comprehendit within the boundant euident nochttheles the Shreff admittit the said Robert and repellit the said allegeance and the said Robert wes admittit and suorne Alexr Rannaldsoune in the Kirktoune quhome the Shref tuik to be

1 Alexr. Johnnstoune had been appointed on 9 June for the special purpose of citing Alexr. Leslie, and for that purpose only.

2 Allegations.

3 Provost Thomas Mengzes of Pitfoddels.

4 The reference here is to a finding on the same day in the collateral action of Spuilzie at the instance of Leslie and Wm. Moir, his tenant, against Johnstoun and Andrew Syme, his tenant.

adiusit gif he suld be admittit or nocht the said xxviij day becaus he is Gilbert Johnnstoun tennent broder to the persevar quha hes or may haue commoditie of the caus And siclyk producit Wm Rannaldsoun in Fornet James Kelly in Perslie Ronald Still in Peterstoune Dauid Maky in the Cottounefauld [sic] Abirdeine contimaxit And als the said Mr George producit ane boundand Chartour of umquhill King Robert Bruce of guid memorie of the xj yeir of his G/ regne and instrument of seasing of the landis of Wodland and Overtoune of Dyce undir the signe and subscriptioune of umquhill Sir James Kid noter publict of the dait the xiiij day of September the yeir of God j^{m}v^{c} fourtie aucht yeiris Repeittit the haill proces and productis abefoir in this present caus and the Shref set the xxviij day of Julij nixtocum to the said Mr George to preif for the secund one the ground and the said day set to pronunce interlocutour one the witnes quhilkis ar takin ad auisandum in presens of Pape and Barclay procuratours for the parteis warnit thairto apud acta on the quhilks thai tuik act of court and instrument And James Johnnstoun in name of George Johnnstoun of that ilk protestis that quhat beis done this day betuix the saidis parteis be nocht hurtful or preiudiciall to him nor ony actioune may concerne him in respect he is heretour of the ground as he allegis and thairupoun tuik act of court and instrument.

CURIA Vicecomitatus de Abirdeine tenta super bondas debitabiles inter Over Dyiss et Neddir Dyiss (28 July 1574)

THE said day in the actioune and caus of Cognitioune movit and persewit be Maister George Johnnestoune burges of Abirdeine aganis Alexander Leslie of Nethir Dyiss in the terme assignit to preif for the secund and to my lord Shreff to gif his ansur one the vitnes taine ad auisandum producit in the first terme of probatioune viz Johnne Robertsoune in the Hill of Fauldeis James Ronnaldsoune Ronnald Symmer in Cragy and Gilbert Heruy Compeirit the said Maister George Johnnestoun and Maister George Barclay his procuratour and producit my lord Shreffis precept deulie execut and indorsat aganis the said Alexander Leslie defender and siclyk producit Johnne Kay at the Mill of Halforrest admittit and suorne Ronald Still in Peterstoune quhome aganis it wes opponit he had nothir tak nor steiding nochttheless the said Ronnald grantit be wertew of his aytht that he haid tuentie merkis wortht of geir in respect thairof the Shreff admittit him quha wes suorne and admittit Robert Banerla in Bandaucht repellit Thomas Logan in Westir Fintray admittit and suorne Johnne King in Kyneller admittit and suorne Duncan Maky in Cottoun of Auld Abirdeine admittit and suorne Williame Ronnaldsoune in Fornet aganis quhome it wes allegit he aucht to be repellit becaus he and Williame Moir tennent in Rathis ane of the persewaris of Maister George Johnstoun and Androw Sym his

tennent ar undir deidlie feid be occasioune of bluid draving of ayther of thame be utheris onreconselit in the caus of spuilzie of cornis persevit be the said Alexr Leslie and Williame Moir aganis the said Maister George and Androw Syme within the boundis libellit anence the quhilk and for defens thairof the producear of the said Williame Rannaldsoune up fundis his defenssis upoune ane boundand Chartour and possessioune as he allegis contening the saidis merchis and sua gif the said Maister George mycht obteine condampnatour on his Cognitioune he mycht allege he suld be absoluit fra the said spuilzie Attour that the said Williame Rannaldsounis sister is sonnis wyiff and in lyik cace witness repellit in the last terme as he allegis To the quhilk it wes ansurit the said allegeance aucht to be repellit as irreleuant becaus the said Williame Moir and Androw Syme hes no interes in the said actioune of Cognitioune nather is thair ony of thame persewar with the said Maister George thairin nor yit persevit be him thairfoir the said witnes aucht nocht to be repellit and the actioune of Cognitioune is navayis coincident with the actioun of spuilzie nor be the contrar Notwithstanding the said allegeance the Shreff repellit the same and admittit the said Williame Rannaldsoune quha wes admittit and suorne And siclyk producit Rannalde Symmer in Damegreins James Ronnaldsoune in Corshill John Robertsoun in the Hill of Fauldis and Gilbert Heruy quha wes tane to be aduysit with abefoir Siclyk the Shreff contineuis the pronunciatioune of his interlocutour anent the admissioune or repelling of the said last witnes continevit abefoir to Lammes Evin next and Barclay repeittis the haill writtis and proces producit abefoir renuncis forder probatioun except the forsaids witnessis continevit and protestis for condampnatour and warnit the saidis vitnes apud acta to compeir within the tolbuytht of Abirdeine one Lammes Evin nixt to the effect forsaid And the said Alexander Leslie be the said Alexander Paipe his procuratour protestit for the said Mr George Johnstoun aytht de calumpnia to be ressauit be the Shreff principall upoun the ground debaittable be inspectioun thairoff and conferrance with the boundand Chartour for the same and that the fornamit obiectionis be discussit be the Shreff principall becaus the Shreff deput for the tyme hes no assissors and the vitnes depositionis contening thair faculteis aiges and guidis And Barclay procuratour for the persevar and the said Maister George Johnnestoune personalie present offerit him reddy to gif his aytht de calumpnia upoun the saidis boundis and contentis of his libell and protestit in case the same wer nocht ressauit that the same suld nocht be hurtfull nor preuidiciall to his actioune nor stope proces thairin in cace my lord Shreff principal hapnit neuir to cum to the ground to ressaue the same at the leist nocht for ane lang tym and that he may have the Shreffis ansur upoun the defenderis allegeance and the persewaris ansuris maid thairto quhane my Lord Shreff or his depuittis thinkis thame resulit thairto

Aberdeenshire Sheriff Court:

(Aberdeen 31 July 1574)

THE said day in the terme assignit appoyntit be my Lord Shreff deput to be aduysit gif he wald ressaue Jon Robessoun in the Hill of Fauldis Gilbert Heruy in Standandstanis Rannald Symmer in Crag and James Rannaldsoune in Corshill witnes in the actioune and caus of Cognitioune persevit be Maister George Johnnestoune burges of Abirden aganis Alexander Leslie of Nethir Dyiss and siclyk in the peremptour exceptioune proponit be the said Mr George and Androw Syme his tennent aganis the said Alexander Leslie and Williame Moir his tennent in the actioune and caus of Spuilzie persevit be the said Alexander Leslie and Williame Moir aganis the said Maister George and Androw Syme[1] and to pronunce the said Shreff depuittis interlocutour thairanent THE Shreff deput being ryiplie and at leyntht aduysit with the allegeance of bayth the parteis and thair oppositionis maid contrar the ressauing of the saidis witnessis ressauit and admittit the forsaidis witnessis in bayth the forsaidis actionis and thaireftir causit thame be suorne in jugement to depone the treuth thairanent sa far as thai knev and sal be speirit at thame be his interlocutour pronuncit thairanent Quhilkis being suorne and admittit as said is the said Maister George Johnnestoune and Maister George Barclay his procuratour renuncit forder probatioune and protestit for condampnatour in the actioune and caus of Cognitioune intentit be the said Maister George and for absoluitour in the actioune and caus of Spuilzie intentit contrar him and his tennent be the said Alexander Leslie and his tennent in presens of Paipe procuratour for the said Alexander Leslie and Androw Syme [? William Moir]

(Aberdeen 30 August 1574)

THE said day in the actioune and caus of Cognitioun persevit be Maister George Johnnestoun burges of Abirdeine contrar Alexr Leslie of Nethir Dyiss the said Alexander being lauchtfullie sumoundit to this day be wertew of my Lord Shreffis precept to heir and see ane decreit pronuncit in the said actioune and caus conforme to the proces and probatioun led and deducit thairanent or ellis to allege ane reassonabill caus quhy etc Compeirit the said Mr George and Maister Williame Dauidsoune his procuratour and producit my Lord Shreffis precept deulie execut and indorsat to this day to the effect forsaid and als producit our Souerane Lordis letters of dispensatioune dispensand with the feriot and closs tyme of heruist and iustice air and for halding of courtis within the tymes thairof and thaireftir the Shreff deput forsaid[2] with consent of the said Maister George Johnnestoun party persewar and Alexander Paipe procuratour for the defender and als with consent of Wm. Leslie of Wardress and Patrik

1 The cross actions of Spuilzie and Cognition are now being treated as conjoined.

2 John Gordoun of Avachie.

Leslie of Flender brothir germane to the said defender Continevit the pronunciatioune of the said decreit sumoundis raisit thairone and executioun of the same to the xv day of October nixtocum in sic streyntht and effect as the same wes this day mycht haue beine pronuncit this day [sic] in presens of the persevar and procuratour forsaid for the defender warnit thairto apud acta And in the mydtyme the Shreff deput forsaid with consent of the forsaidis personis aboue mentionat Ordinis the cornis nov growand on the ground debaittable within the boundis of the persewaris sumoundis to be schorne wyn collectit and gadderit upoune the expenssis of the same be baytht the parteis equalie and to remane upoun the ground quhair thai nov grow and to be sufficientlie dyikit and preseruit frome skaytht unto the tym decreit be pronuncit in the forsaid caus of Cognitioun and thairby decernit to quhome the saidis cornis and ground richt suld aperteyn and that the saidis cornis be nocht removit of the said ground to that tyme undir the pain of Braiking of Arreistment to the partie avaytakar thairof it beand provine the saidis cornis to be taikin avay be ony of the parteis the arreistment sal be haldine as broikine ipso facto but ony forder declaratour but preuidice of ony of the parteis just and lauchtful defenssis competent to them of the law sic as justice may result to them heireftir

(15 October 1574)

[Case evidently continued, an unfilled half page being left for the entry.]

(30 October 1574)

[Case again continued to "Andirmes evin."]

(29 Novr. 1574)

[It is evident that Decree was pronounced at this Court because seven pages are left blank opposite the name of the case on the margin; but unfortunately the result of the action is not disclosed.]

Proceedings involving Questions as to Occupancy of Land

I.

(22 April 1574)

This was an action at the instance of Mr. Wm. Carnegy of Over Ruthvenis against Alexr. Waus, occupier of the lands of Over Ruthvenis with the pertinents "lyand on the eist syid of the maner place of the samen," from which he had been warned to remove at Whitsunday, 1570,

by Decree of the Lords of Council and Session but had not removed, and in which the violent profits are thus described by the pursuer:

Extending to the availl and quantitie under writtine That is to say the profeit of thre scoir bollis aittis saving yeirlie estimit to the third corne price of the boll with the foddir yeirlie ourheid xxvj sh viij d threttie bollis beir saving estimit to the fourt corne price of the boll with the foddir yeirlie ourheid xl sh scottis monie the profeit of aucht milk kye yeirlie the profeit of ilk ane thairof yeirlie in pastur milk stirk buttir and cheis to xxxiij sh iiij d The profeit of ten draving oxin the profeit of ilk peice yeirlie thairof in wark laubour and hyirgang extending to sex firlottis wictuell price of the boll yeirlie ourheid xl sh the profeit and pastur of twentie yield nolt yeirlie price of ilk peice pastur and girss ourheid ten sh The profeit of four scoir milk yewis extending ilk piece yeirlie ourheid in profeit be woll lamb milk butter and cheiss to xxvj sh viijd the profeit of sex scoir yeild scheipe the profeit of ilk peice yeirlie in woll and pastur to vj sh viij d the profeit of four meiris the profeit of ilk peice yeirlie in wark laubour foilis and hyirgang extending to ten poundis the profeit of four wark hors extending ilk peice yeirlie ourheid in profeit be laubour and hyirgang to ten poundis the profeit and pastur of four brod swyn with thair gryissis the profeit of ilk peice of the said brod swyne yeirlie in gryssis extending to five poundis The profeit of twentie brod geiss the profeit of ilk peice yeirlie in geislingis extending to xxx sh tua dosand of cauponis the profeit of ilk peice ourheid yeirlie iij sh The profeit of thre dosand pultrie the profeit of ilk peice yeirlie ourheid xviij d

Decree was given, after evidence, for four years' profits thus detailed:

To wit the groutht of thre scoir bollis aittis saving yeirlie estimit to the third corne price of the boll with the foddir yeirlie ourheid vj sh viij d The groutht of twentie bollis beir saving estimit to the third corne price of the boll with the foddir xx sh aucht milk kye the excressent profeittis of ilk peice thairof in milk butter and cheis yeirlie xiij sh iiij d ten draving oxin the profeit of ilk peice in wark laubour and hyirgang to ane boll of beir price thairof xx sh xx yeild nolt the profeit of ilk peice yeirlie ourheid ij sh ane hundretht scheipe the profeit of ilk peice yeirlie ourheid xl d three horss profeit of ilk peice yeirlie daylie xij d the profeit of xx geiss yeirlie price of ilk peice in gaislingis yeirlie ourheid xviii d

II.

(23 June 1574)

THE said day in the actioune and caus persevit be Robert Irving of Lastis aganis Androw Christall in Bogfarlaw for the wrangous postponing

and deferring to entir to the schado third pairt of the saidis landis of Lastis pertening heretablie to the said Robert liand withtin the barrony of Culter-Cuming and Shrefdome of Abirdeine conforme to my Lord Shreffis precept deulie execut and indorsat to this day and to joiss and bruik the saidis landis for the space of ten yeiris for the yeirlie dewitie contenit in the said precept Compeiring the said Robert be Maister Williame Dauidsoune his procuratour and producit my Lord Shreffis precept deulie execut and indorsat to this day and desyrit proces Ex adverso compeiring the defender and Wm Forbes burges of Abirdeine his prolocutour and allegit the said Androw to be depender and seruand to Johnn Forbes in respect thairof to be exemit fra the Shref and his jurisdictioune thairfor na proces can proceed aganis him to the quhilk it wes ansurit be Mr Wm Dauidsoun procuratour for the persevar that the said Androw wes nothir seruand nor depender to ony Forbes bot seruand to the airis of umquhill Thomas Lindsay and in that respect aucht nocht to be exemit forder allegit the said Androw sen the obtening of the said exemptioune he defendit at syndrye dyettis in the actioun persevit be Wm Dauidsoune in Auld Abirdeine aganis him and interlocutour alreddy pronuncit in the said caus And in respect of the said reply and no forder oppositioune maid in the contrar Decernit proces to the persevar and admittit his libellit sumoundis to his probatioune and assignit the xij day of Julij nixtocum to him to preif for the first and the said Williame Forbes protestit for remeid of law and nullitie of proces and thairupoun desyrit act and instrument

(No further trace.)

III.

(5 July 1575)

THE said day in the actioune and caus of evectioun movit and persewit be Johnne Gordoun of Auldtounleyis cessioner and assignay lauchtfullie constitute be Williame Ydill to the actioune and caus undirvrittine aganis Williame Mertyne in Over Tullocht conforme to my Lord Shreffis precept makand mentioun That Quhair in the monetht of Junii or thairby the yeir of God $j^{m}v^{c}$ and seventie four yeiris The said Williame Idill in Neddir Tullocht wes in reall actuall and peciabill possessioun be him selff his seruandis guidis and geir of All and Haill the toune and landis of Dipstoun with the pertinentis liand within the Baronie of Keige and Monymusk Regalitie of Sanctandrowis and Shrefdome of Aberdeine as malar thairoff be teilling sawing laubouring occupeing and manuring the ground of the same casting and wynning of fewall faill and dowettis pasturing of his cattell and guidis thairupoun and at all pairts thairof quhair he thocht expedient Lik as the said Williame wes in peciabill possessioun of the samen diuers oulkis and monethtes immediatlie

preceiding the said monetht of Junii the yeir of God abounevrittine Neuirtheles Wm Mertyne duelland in Over Tullocht be him selff his seruandis complices and utheris in his name of his causing command assistance and ratihabitioun wrangouslie maisterfullie and wiolentlie be way of deid evectit outpat and keist furtht the said Williame Idill furtht and fra his possessioun of the saidis landis of Dipstoune with the pertinentis in the forsaid monetht of Junii the yeir of God j^{m}v^{c} and seventie four yeiris aboune specefeit The said Williame Ydill than being in reall and actuall possessioun of the samen inclusit with in termes and nocht lauchtfullie warnit to have removit thairfra nor decreit of removing ordurlie past thairupoune and intrusit himselff his seruandis guidis and geir thairintill and sua vrangouslie dispossessit the said Williame Ydill thairoff and hes wrangouslie withhaldine the saidis landis of Dipstoune with the pertinentis fra the said Williame continewalie sensyne Togidder with the haill profeittis and excressence that he mycht haue had thairoff yeirlie and ilk yeir sensyne And the said Williame had sufferit him laubour the samen with his awin guidis and geir and had nocht violentlie the tyme forsaid evectit and put him thairfra as said is extending to the awaill and quantitie undir vrittine That is to say the excressent profeittis of four scoir bollis aittis sawing yeirlie extending to the third curne price of the boll xxvj sh viij d The profeit of twentie bollis beir sawing yeirlie extending to the feird curne price of the boll with the foddir xl sh The profeit of tua bollis quhyt sawing yeirlie extending to the feird curne price of the boll with the foddir xl sh The profeit yeirlie of twentie heid of kye extending in milk calff buttir and cheiss ilk peice yeirlie three poundis The profeit and pastur of thre scoir uthir yeild nolt yeirlie extending ilk peace in pastur to x sh The profeit of ten vark oxine yeirlie extending ilk peice in wark laubour and hyirgang to sex firlottis meill price of the boll fiftie schillingis The profeitt of aucht wark horss and meiris the profeit of ilk peice yeirlie in vark laubour and hyirgang xx lib The profeit of four scoir yowis yeirlie in woll lamb milk butter and cheiss to xx sh The profeit of aucht scoir yeild scheipe yeirlie in pastur and woll x sh The profeit of tua brod sowis in grysis yeirlie three poundis The profeit of xij brod geiss ilk peice yeirlie in gaislingis xx sh The profeit of three dosand of cauponis price of the dosand xxx sh The profeit of four dosand of pultrie the price of the dosand xviij sh And albeit it be of treutht and weritie lik as it is That the said Williame Ydill upoun the tent day of Aprill the yeir of God j^{m}v^{c} and thre scoir fiveteine yeiris maid and constitut the said Johnne Gordoune and his aires his werray lauchtfull undouttit and irreuocabill cessioneris and assignais and donatouris veluti in rem suam cum dispositione libera in and to the said wiolent evectioun and to all actioun that may result thairone the said wrangous and violent evectioune and to all profeittis

and excressence of guidis or geir may follow or result thairupoune sen the tyme of the forsaid committit evectioun and violent furthtputting of the said Williame Idill furtht and fra the saidis landis of Dipstoune with the pertinentis aboune expremit and hes transferrit his haill titill rycht and entres in the persoun of the said Johnne Gordoun and hes surrogat him in his place thairoff for euir quhairby the said Johnne Gordoune as assignay and cessioner forsaid hes iust actioun rycht entres and place to persew the forsaid violent evectioun committit be the said Williame Mertyne in the maner aboune expremit and to be enterit and restoirit to the possessioun of the forsaidis landis with the pertinentis and for the haill profeittis mycht or may result or follow thairupoun yeirlie and ilk yeir sen the tym of the committing of the samen as throuchtlie becum in the place of the said Williame Idill upoune quhome the said violent evectioun wes committit in maner aboune expremit and that it is siclyk of treutht and veritie that the saidis haill profeittis aboune expremit of price valour and quantitie aboune mentionat resultis followis and suld result upoun the forsaid committit evectioun and actioun thairoff in sa far as the said Wm Idill makar of the said Assignatioune mycht haue had samekill profeit of the saidis landis of Dipstoune with the pertinentis yeirlie and ilk yeir sen the tyme of the violent evecting of him fra the samen and he had beine sufferit to peaceablie laubour and occupy the saids landis with his awin guidis and geir and had nocht beine violentlie evectit thairfra in maner aboune expremit And that the said Wm Mertyne befoir the making of the said Assignatioune nawayis restorit the said William Idill to his possessioun of the forsaidis violent profeittis quhilk he mycht haue had thairoff as said is And thairfoir the said Williame Mertyne aucht and suld restoir at the leist entir the said Johnne Gordoun as cessioner and assignay forsaid To the possessioun of the forsaidis landis of Dipstoune and refound content and pay to him as assignay and cessioner forsaid the haill profeittis aboune expremit of the price valour and quantitie aboune mentionat or thane the prices and valour of the samen befoir expressit for the reasonis and caussis befoir expressit nochttheles the said Williame Mertyne vrangouslie refuissis postponis and deferris to do the same without he be compellit thairto be ordur of justice Lik as in my Lord Shreffis precept at mair leyntht is contenit Compeiring the said Johnne persewar be Maister Williame Dauidsoune his procuratour and producit my lord Shreffis precept deulie execut and indorsat to this day quhairwith the said Williame wes lauchtfullie sumound to heir and see himself decernit to haue failzeit in the probatioun of the peremptour exceptioun admittit to his probatioun and sentence and decreit condampnatour pronuncit conforme to the prices led and deducit in the said caus AND als producit ane Instrument of Assignattoun quhair the said Williame Ydill

maid the said Johnne Gordoun his assignay to the said evectioun and all violence and violent profeittis mycht follow thairupoun of the dait the tent day of Aprill the yeir of God ane thousand five hundretht seventie five yeiris undir the signe and subscriptioun of Maister Alexander Barroune Noter and protestit for condampnatour And efter ane peremptour defens proponit be the said Williame Mertyne and ansuris maid thairto be the said Johnne Gordoun the said peremptour exceptioun allegit be the said Wm wes admittit to his probatioune and ane certane day assignit to him to preiff peremptourlie At the quhilk terme the said Williame Mertyne failzeit in probatioun of the said peremptour exceptioune quhairfoir the said Maister Wm procuratour forsaid protestit that the said peremptour exceptioune suld be circumducit and als in that respect for condampnatour in the principall caus in presens of Andro Kyng procuratour for the defender protestand for remeid of law And the Shreff deput forsaid being ryiplie and at leyntht aduysit with the preceptis and titillis producit for the pairt of the persewar fand that the said Williame Mertyne defender had failzeit in probatioun of his said peremptour exceptioun And thairthrow the said Williame Mertyne in Overtullocht be himselff his complices and utheris in his name of his causing command assistance and ratihabitioune did wrang in the wrangous maisterfull and violent evecting by way of deid outputting and casting furtht of the said Williame Idill furtht and fra his possessioune of the saidis landis of Dipstoun with the pertinentis in the monetht of Junii in the yeir of God $j^{m}v^{c}$ seventie four yeiris The said Williame Ydill than being in reall and actuall possessioun of the samen inclusit within termes and nocht lauchtfullie warnit to haue removit thairfra nor decreit of removing ordurlie past thairupoun and intrusit him selff his seruandis guidis and geir thairintill and sua wrangouslie dispossessit the said Williame Idill thairoff and hes wrangouslie withhaldin the saidis landis of Dipstoune with the pertinentis fra the said Williame continevalie sensyne Togidder with the haill profeittis quhilkis the said Johnne mycht haue had thairof yeirlie and ilk yeir sensyne And the said Wm Mertyne had sufferit him laubour the samen with his awin guids and geir and had nocht violentlie the tyme forsaid evectit and put him thairfra extending to the awaill and quantitie undirvritine That is to say the excressent profeittis of four scoir bollis aittis sawing yeirlie extending to the third curne price of the boll with the foddir xxvj sh viij d [and so on repeating the conclusion copied above exactly] QUHAIRFOIR Decernit and ordinit the said Wm Mertyne To refound content pay and deliver to the said Johnne Gordoun as assignay forsaid The haill cornis beir and aittis guidis and geir abounevritine or thane the prices thairoff aboune expremit quhilks the said Williame Ydill and Johnne Gordoun his assignay mycht haue had respective of the samen gif the said Williame Mertyne had not violentlie intrusit him selff thairin evectit and put furtht

the said William Idill thairfra as said is bot had sufferit him laubour occupie and manur the samen with his awin guidis and geir sensyne and the said Johnne Gordoun as cessioner and assignay forsaid to be enterit to the possessioun of the forsaidis landis of Dipstoune with the pertinentis to be peciablie laubourit manurit occupeit and posseidit be him in tymes cuming ay and quhill he be lauchtfullie callit and ordurlie put thairfra be the law And siclyk Decernis and Ordinis the said Williame Mertyn To refound content and pay to the said Johnne Forbes [Gordoun] as cessionar and assignay forsaid the profeittis quhilk the said William Idill makar of the said Assignatioun and the said Johnne Gordoun assignay forsaid mycht haue had respective of the saidis landis yeirlie sen the tym of the evection forsaid gif he had not intrusit him selff violentlie in the possessioun thairoff evectit and put furtht the said Wm Ydill thairfra bot had sufferit him to haue peciablie bruikit and occupeit the same extending yeirlie sen the tym of the said evectioune to the awaill quantitie estimatioun and prices respective forsaidis as is perticularlie abounevritine In respect ane peremptour exceptioun wes admittit to the said Williames probatioun and he had failzeit in probatioun thairoff for the titill reassonis and caussis forsaidis and ordinis precepts to be derect heiron als oft as neid beis quhairupoun the said Mr Wm Dauidsoun procuratour forsaid askit act of Court and instrument

IV.

(2 May 1576)

THE said day in the actioune and caus of removing off violence persewit be Alexander Setoune appeirand of Meldrum assignay lauchtfullie constitut to Adame Gordoun of Auchindoune To the actioun and caus of removing and profeittis resultand tharone libellit aganis William Abirnethy of Bischopisbyrnes and William Garmak in Bogfechill Johne Wawane thair George Symesoune thair and Alexr Myll thair conforme to the libellit summoundis COMPEIRIT for the said Alexr Maisteris George Barclay Williame Dauidsone and Alexander Paipe his procuratouris and producit my Lord Shreffis precept of sumoundis deulie execut and indorsat to this day with ane precept of warning subscriuit be the hand of the said Adam Gordoun of Auchindoun siclyk deulie execut and indorsat Ane letter of Assignatioune maid be the said Adam Gordoun to the persewar for the persuit of the actioun libellit subscriuit be the said Adam of the dait at Abirdeine the secund day of Julij the yeir of God $j^{m}v^{c}$ threscoir thretteine yeiris Togidder with ane instrument of seasing of the said Adam Gordounes of the landis libellit undir the signe and subscriptioun of umquhill Maister James Stewin noter publict of the dait the xxj day of Nouember the yeir of God $j^{m}v^{c}$ sextie yeiris and according thairto desyrit proces Ex aduerso compeirit

Williame Abirnethie Williame Gormak George Symesoun and Alexr Myll personalie quha constitutis Maister Johnne Kennedy Maister Oliuer Pantoun Maister Johnne Abirnethy coniunctlie and seueralie thair procuratouris with power to substitut promittendo de rato And Johnne Wawane compeirand be Johnne Stevin his son of law he beand seik as is allegit quha and the said Williame Abirnethy obleist thame coniunctim et diuisim de rato and to produce ane sufficient mandat at the nixt dyet giff ony be quha protestit for all thair just and lauchtfull defenssis and exceptit aganis my Lord Huntlie Shreff principall off Abirdeine and all his depuittis thay may nocht be juges competent to cognosce in this caus becaus my said lord Shreff principall is superiour to the landis libellit and the landis haldin off him quhairfoir he nor his deputis ar juges competent to cognosce in this caus and protestit giff thai proceid for nullitie of proces To the quhilk is ansurit that the allegeance suld nocht be hard being ane requisitour quhill caution be first fand according to the act of parliament as the persewaris desyris befoir ony ansur making to the allegeance protestand solempnitlie for the same and adheirand thairto ansuris to the allegeance The samen aucht to be repellit and proces decernit nochtwithstanding the same Becaus my lord Huntlie principall Shreff off quhome the defender allegis the landis libellit to be haldin is nocht juge in this caus nor yit is he heir present and it is of treutht his deput may be juge competent beand onsuspect lik as ar Maisteris Gilbert Bissat David Gunner[1] coniunctlie and seueralie now sittand in jugement as deputtis no opposition maid contrar thair personis And Maister Johnne Kennedy procuratour forsaid allegit that giff the principall Shreff be suspect the juges substitut be him be his commissioun ar lyikwyis suspect lyk as the said Maister Gilbert Bissat and David Gunnar ar and will do no thing by[2] the will and ordinance of my said Lord Huntlie And forder allegit that the defenderis aucht nocht to set cautioun bot befoir ane juge competent And mairour the said Williame Abirnethie for him selff and his saidis tenentis obleist him to set cautioun in the nixt court and dyet of this caus becaus he culd nocht haue the same presentlie according to the commound consuetud and practik of the Lordis of Counsall and of this Court quhair instant cautioun may nocht be had The persevar in the contrar anent the allegeance maid contrar the competencie of the jûges to the rest refarris to the act of Parliament and specialie that na delay aucht to be maid anent the finding of cautioun except ane peremptour wes proponit that suld nocht be discussit and werefeit at this court quairupoun the parteis desyris the Shreffis interlocutour Quha being ryiplie aduysit with the premissis repellit the

1 There were on the bench on this occasion Mr. Gilbert Bissat, Robert Leslie and David Gunnar, the last of whom had been appointed on 31 October, 1575 (*supra* p. 232).

2 *i.e.* Except by.

allegeance maid contrar thair personis fand thame selffis juges competent to cognosce in this caus nochtwithstanding the allegeance maid in the contrar And forder offerit to the defenderis thai proponand ane peremptour exceptioun releuantlie qualefeit or ane sufficient titill thay suld haue place to find cautioun the nixt dyet utherwayis repellit the haill allegeance preceiding proponit be the defenderis and tharfoir the defenderis protestit for remeid of law And the saidis defenderis hes fund William Abirnethie of Bischopisbyrnes and Maister Johnne Abirnethie in Balcorte cautiouneris coniunctlie and seueralie according to the Act of Parliament for the said Wm him selff and remanent tenentis contenit in the sumounds and the said William obleist him to releiff the said Maister John of the said cautionerie at all handis as efferis And Kennedy acceptit the libell and writtis producit sa far as thai mak for him et non alias And the said Maister John Kennedy procuratour forsaid allegit that the persewar hes no place to persew the actioun off removing libellit becaus no party nor persoune hes place nor entres to call and persew quhatsumeuir uther persoun for tak steding or rowme bot he that hes tytill tharto be heritage be bailzerie be assedatioun or sum sufficient titill bot it is of weritie that the persewar in his libell neuir allegis him selff to haue titill to the landis libellit quhairfoir he hes no place It is ansurit the allegeance aucht to be repellit in respect of the lybell beirand the persewar to be assignay lauchtfully constitut be Adame Gordoun of Auchindoun heretabill possessour for the tyme of the landis libellit to the warning libellit and to all actioun that may follow or result thairupoun as utirlie becum in the place of the said Adame thairanent And for the werefeing of the persewaris richt contenit in his sumoundis giffand him tytill to persew hes producit the said Letter of Assignatioune Togidder with the said Adame Gordounis instrument of seasing of the landis libellit and thairfoir suld the defenderis allegeance be repellit and forder proces decernit to the persewar And Kennedy adheirand to the premissis desyrit ane day to propone and giff in in vrit all his defenssis and exceptionis releuant of the law baytht peremptouris and dilatouris according to the daylie practik of this court And it is ansurit na term aucht to be assignit in this proces as is desyrit be the defenderis becaus it is and suld be ane summer proces of removing and suld byd no delay and all the defenssis in the contrar aucht to be instantlie and summerlie proponit at the bar the day of the calling of the summoundis according to the ordinance of the Act of Parliament maid thairanent And als the defenderis compeirand and proponand certan recusitouris interlocutour pronuncit thairone and thaireftir proponand certan dilatouris the samen aucht and suld be first discussit be interlocutour or ony ansur be maid be the Shreff to the desyr of the defenderis

(Eo. die)

THE said day Maister Johnne Kennedy procuratour forsaid adheirand to the premissis and na wayis passand thairfra allegis the precept of sumoundis generall and informall specialie in this poynt quhan it makis mentioune that Adame Gordoune hes lik as he had the tyme of the warning undirwrittine the landis of Bogfechill pertening to him in heritage and the tym of the said warning is novay qualefeit in the lybell bot onlie the term of removing and nocht the warning quhairby the defenssis of the defenderis ar tane avay uttirlie becaus it may stand that the warning may be maid nyn or ten monethtis befoir the terme of removing at the quhilk terme of warning the defender alsua to be heretablie infeft in the landis libellit lyk as he wes in deid and sua the said precept aucht to be repellit The persewar ansuris the allegeance aucht to be simpliciter repellit in respect of the summoundis the warning quhairupoun the samyn is foundit and seasing producit for instructing of the lybell and specialie in respect of the sumoundis it self nocht weill consideritt be the defenderis beirand that Adam Gordoun of Auchindoune hes lik as he had the tym of the warning undirvrittine contineualie sensyn and diuerss yeiris immediatlie abefoir the landis libellit perteining to him in feuferme and heritage as his infeftment proportis and that he be wertew thairof be his avin precept and officiar causit lauchtfully warne the defenderis to remove thairfra at the feist of Witsounday contenit in the lybell and usit all detfull ordour requisit thairanent according to the Act off Parliament Upoun the quhilk the persewar procuratouris desyrit interlocutour The Shreff being ryiplie aduysit with the allegeance forsaid and ansuris maid thairto repellis the haill allegeance proponit be the defenderis in respect of the ansuris libellit sumoundis precept of warning and utheris titillis producit Quhairupoun Davidsoun Barclay and Paipe procuratouris for the persewar tuik act and instrument and Kennedy procuratour for the defenderis protestit for remeid of law

(Eo. die)

THE said day Maister Johnne Kennedy procuratour forsaid desyrit ane competent and lauchtfull day to be assignit to him of xv dayis to propone and qualefie in writ all his peremptouris defenssis To the quhilk is ansurit be the persewaris The actioune persevit is summar and thairfor na sic delay suld be grantit bot the same desyir is contrar the ordinance of the Act of Parliament And the Shreffis assigns the morne the third day of Maij to produce all his peremptouris qualefeit in writt in presens of the said William Abirnethie and remanent his collegis defenderis (except Wawane) Kennedy Dauidsoun Barclay and Paipe procuratouris for the persewaris warnit thairto apud acta And the said Maister John and William Abirnethie offerit thame to mak fayth in jugement that

thair tytills and euidentis quhairupoun thai suld ground and qualefie thair peremptouris exceptionis are presentlie in Edinburght and without the samen can nocht qualefie the same in so short tyme as is assignit Thairfor protestit for remeid of law It is ansurit the desyr suld nocht be grantit albeit it be allegit the defenderis euidentis be in Edinburght becaus thai haue ressauit ane sumoundis quhairby thai wer lauchtfullie sumound upoun xv dayis warning be the quhilk thai hed sufficient tyme to prouyd thair defenssis and utheris rychtis giff thai ony had

(3 May 1576)

THE said day in the terme assignit to William Abirnethy and his tennentis to produce in writ thair peremptour defenssis in the actioune and caus of removing and wiolent occupatioune persevit aganis thame be Alexander Setoune appeirand of Meldrum conforme to the precept rasit thairupoune For the desyr of the terme compeirit Maister Johnne Kennedy procuratour for the defenderis and producit the saidis defenssis peremptouris in writt and protestit for absoluitour Off the quhilks defenssis the tenuour followis Heir follovis the defenssis peremptouris for the pairt of William Abirnethie etc IN THE FIRST adheirand to the protestationis and exceptionis proponit in this actioun obefoir for the pairt of the said William and his tenentis and specialie aganis the pretendit juges That George Erle of Huntlie Shreff principall being superiour of the saidis landis and hes annaleit the samyn titulo oneroso and is obleist for warrandice thairoff to the author of the persewar and consequentlie to him selff can nocht be juge competent nor na deput substitut be him in this caus to cognosce heirine And in lyik maner to the protestatioun maid for repelling of the exceptioune proponit aganis the irreleuancye and generalietie of the lybell quhair it maid no mentioune of ony speciall tym of warning quhairby the defenssis of the defenderis ar takin awaye in respect it micht haue stand lik as it is of weritie that giffand ony warning was maid the samyn wes maid at sic tym as quhen the maker of the samen wes denudit of the propirtie of the saidis landis be folfaltrie and the defender lauchtfully westit and seasit thairin be presentatioun of the Queins Grace to the Abbot and Conuent off Abirbrothok immediat superiours thairoff Quhilk defenssis the defender culd on no way propone in respect of the generalitie of the lybell [? not] condiscendand upoun ony speciall tym of warning as said is And siclyk the defenderis ar debarrit fra sic defenssis as micht haue resultit to him be conferring of the warneris infeftment with his possessioun the tym of the warning seeing he affermis him to haue had the landis libellit the tym of the warning contineuallie sensyn as his infeftment at leyntht proportis quhilk can neuir be considderit be your L/ to be of treutht nethir ony thing opponit aganis the samen be the defender except that the persewar in his libell

had condiscendit upoune sum speciall tym of warning and siclyk adheirand to the protestatioun maid abefoir quhair the defender allegit the tytillis and euidentis quhairupoun he suld ground and forme his peremptour defenssis presentlie wer in Edinburght in retentis befoir the Lordis of Counsall and offerrit him to mak faytht thairupoune and desyrit ane terme of xv dayis to qualefie his peremptour defenssis in the said caus quhilk one no wayis he can releuantlie in forme of law without inspectioun of the saidis euidentis And als protestand for remeid in respect of the parcialitie of the juges quhilk wald assigne na langer terme than xiiij houris or thairby to qualefie the said peremptour defenssis contrar the comound styill of this court in semblable caussis and als nocht admittand your L/ juges competent for the caussis forsaid nor makand litiscontestatioune thairby bot as lau leives and necessarlie requiris

IT is exceptit peremptourlie for the pairt off the said Wm and his saids tennentis respectiue that thai haue and had just tytill to occupy the landis libellit induring the space and yeiris libellit in sa far as the saidis tenentis hes sufficient tak and assedatioune of the said William Abirnethy to occupy the landis libellit induring the yeiris contenit in the lybell And the said William hes and had sufficient tytill of the samyn landis the saidis yeiris and wes lauchtfully westit and seasit thairintill induring the yeiris libellit and that in respect that the landis libellit being in the hands of the Queens Majestie for the tyme be reassoun of forfaltorie hir Grace than in the monetht off the yeir of God j^{m}v^{c} lxiij yeiris presentit be hir letters of presentatioune William Abirnethy defender to the Abbot and Convent of Abirbrothok immediat superioris of the saidis landis to be ressauit and producit be the saidis superiouris as heretabill tennentis of the landis libellit for infefting of him thairintill quha lauchtfullie westit and seasit the said William thairintill be sufficient euident and tytill and seasing passing thairupoune Be wertew of the quhilkis the said William the tym of the pretendit warning contenit in the lybell and execucioun thairoff be certane space immediatlie abefoir and contineualie sensyn hes bein in corporall reall and actuall possessioun of the saidis landis as possessours bone fidei and thairfoir aucht and suld be absoluit simpliciter fra the violent occupatioun of the saidis landis induring the yeiris libellit and all excressent violent profeittis thairoff clamit be the persewar induring the yeiris libellit The said infeftment standand on reducit and ay and quhill it be reducit and als eftir the reductioun quhill new warning considdering the said pretendit warning wes maid at sic tym as the said Adam Gordoun denudit of all propirtie and richt of the saids lands be reassoun of forfaltorie forsaid

TO the quhilkis defenssis the persewar be his procuratouris forsaids ansuris And first To the first pairt of the pretendit exceptioun the samyn aucht

to be repellit in this place and as it is proponit Becaus fra the begynning to the end thairoff it is bot ane recapitolitioun of certane dilatouris proponit the day preceiding be the defenderis and this day being assignit to propone peremptourlie and to produce all thair peremptour defenssis qualefeit in writt The first exceptioun contenand na forme of peremptour aucht and suld be repellit loco quo lik as the same being proponit the day preceiding and seneralie heidis wer all togidder repellit be my lord Shreffis interlocutour pronuncit thairone To the last pairt it is ansurit that the samyn aucht to be repellit simpliciter as it is consauit and proces decernit upoun the persewaris sumoundis nochtwithstanding the samyn Becaus the pretendit richt contenit thairin acquirit to the said William upoun the Queins presentatioun can na wayis mak impediment to the persewar to persew his warning and sumoundis derectit thairone be sa far as umquhill George Erle of Huntlie being forfaltit as is allegit and than being superiour of the landis libellit the doym of forfaltour pronuncit aganis him wes befoir the tym of the persewaris warning reducit rescindit in plane Parliament To wit in the monetht off Aprill the yeir of God j^{m}v^{c} sextie sevine yeiris Be the quhilks the said umquhill lord and superior foirsaid wes reponit in his awin place and that befoir the warning as said is And it is of treutht and weritie that Adame Gordoun of Auchindoune was neuir forfalt neithir be censement of Parliament nor be declaratour past upoun ony submissioun bot the contrar is of weritie That he is decernit absoluit be the Lordis of Seassioune fra ony kynd of forfaltour as the decreit of the Lordis of Sessioune of the dait at Edinburght the xxiiij day of Februar the yeir of God j^{m}v^{c} lxxv yeiris at leyntht proportis Sua that thairthrow it is of certain veritie that the said Adam Gordoun of Auchindounne author off the persewaris richt and tytill wes neuir denudit of the rycht and propirtie of the landis libellit And sua being the said William Abirnetheis pretendit rycht acquyrit culd neuir be profitabill nor vailzeabill to him bot he thairby sen the begynning of the same hes bein euir in mala fide et mala fide possessour in sa far as the same is decernit be the Lordis of Seassioun to be and haue bein fra the begynning null in the selff with all that hes followit thairupoun and siclyk to be in all tymes cuming and thairfoir in respect of the said decreit past and of the Erle of Huntleis repositioun befoir the warning persevit and that the said Adam Gordoun of Auchindoun wes neuir denudit of his rycht and propirtie of the landis libellit bot remanit heretabill proprieter thairoff the warning and sumoundis past thairupoun aucht and suld tak effect and the last pairt of the defenderis pretendit exceptioune simpliciter repellit and the said William pretendit principall tennent and the remanent defenderis his pretendit subtennentis decernit to remove in respect and consideratioun he and thai all togidder for the caussis forsaidis is and hes bein mala fidei [sic] possessores of the landis libellit and nawayis heirone

the persewaris desyris my lord Shreffis interlocutour And for the instructioun and werificatioun of the persewaris ansur forsaid eleding and evacuatioun of the last pairt of the pretendit exceptioun his procuratours forsaidis producis the decreit of the Lordis of Sessioun of the dait contenit thairine subscriuit be the hand of Maister James Makgill Clark off Register And the Shreff deput in respect the mater wes weychty continevit the pronunciatioun of his interlocutour to this day aucht dayis to wit the tent day off November [mistake for May] instant In presens of the procuratours for ather off the parteis and the said William Abernethy personalie present warnit thairto apud acta

(10 May 1576)

THE said day in the actioune and caus off removing and violence persewit . . . . . This day being assignit to pronunce interlocutour in the said caus Comperit William Chrystiesoune Shreff in that pairt and producit our Souerane Lordis letters and thairby sumound Maister Gilbert Bissat Shreff deput and place haldar for the tyme for to compeir befoir the Lordis of Counsall upoun the first day of nixtocum to heir and see the said mater aduocat to the saidis lordis for the reassonis and caussis contenit in the saidis letters and dischargit the Shreff principall and all his deputtis fra all proceiding in the said caus quhill the xviij day of the said monetht of Junij and deliuerit the copy of the saidis letters in jugement and thairupoun tuik act and instrument Barclay and Dauidsoun procuratouris for the said Alexr Setoun of Meldrum protestit that the actioun persevit be the said Alexander Setoun appeirand of Meldrum return again to the Shreff of Abirdein in eodem statu quo nunc and that in respect of the narrative of the letters quhairin is contenit no lauchtfull caus according to the Act of Parliament The quhilkis letters the Shreff obtemperit and obeyit and ordinit the same to be insert in thir buikis of the quhilk the tennour follovis James be the Grace of God King of Scottis To our Louittis Williame Christesoune etc [the remainder is not engrossed in the diet book and no further trace of the case found]

V.

CURIA vicecomitatus de Abirdeine tenta in pretorio eiusdem [17 July 1576] per honorabiles viros Gilbertum Mengzes de Cowlie Magistros Georgium Myddiltoun et Gilbertum Bissat vicecomites deputatos de Abirdeine per commissionem Supremi Domini nostri regis specialiter constitutos coniunctim et diuisim pro tribunali etc etc

THE said day in the actioune and caus off removing movit and persewit be ane nobill and potent lord George Erle of Huntlie Lord Gordoun and Baidzenocht aganis Jonet Forbes the relict of umquhill William Forbes

of Corsinda and William Forbes off Fothirbirss now hir spous for his interes James Forbes of Corsinda Johnne Mortimer of Cragivar and James King portioner of Barraucht curatours to the said James for thair interes pretendit principall tennentis and occupearis of the toun and landis of Todloquhy Patrik Hendirsoune pretendit occupear of four oxingang of the saidis lands Dauid Hendersoune occupear of aucht oxingang of the same Henrie Wilsoun pretendit occupear of four oxingang of the saidis landis of Todloquhy And siclyk the said Jonet Forbes relict forsaid William Forbes of Fothirbirss now hir spous for his interes principall tennentis of the toun and landis off Eddindurnocht James Forbes of Corsinda sone and air or at the lest appeirand air to umquhill William Forbes of Corsinda Johnne Mortimer of Cragivar James Kyng portioner of Barraucht his curatouris for thair interes Wm Scharpe thair subtennent pretendit tennent and occupear of four oxingang of the said toun and landis of Eddindurnocht Andro Waistland occupear of uther four oxingang thairoff Waistland occupear of uther four oxingang of the same and Gilbert Waistland occupear of uther four oxingang thairoff And siclyk aganis Mr Duncan Forbes off Monymusk pretendit principall tennent of the toun and landis of Inver Duncan Jelis pretendit occupear of four oxingang thairoff Johnne Elmislie pretendit occupear of uther four oxingang of the same Duncan Patrick pretendit occupear of uther four oxingang thairoff Alexr Robertsoune pretendit occupear of uther four oxingang of the samen William Roch occupear of uther four oxingang thairoff Johnne Roch occupear of uther four oxingang Patrik Robertsoun pretendit occupear of tua oxingang of that ilk landis of Inver and Gilbert Foular pretendit occupear of tua oxingang of the samen Maister Duncan Forbes off Monymusk principal pretendit tennent of the toun and landis of Ardneidlie Patrik Patersoun pretendit tennent and occupear of four oxingang thairoff Henrie Cuschny pretendit occupear of uthir four oxingang thairoff Johnne Robertsoune pretendit occupear of uthir four oxingang of the same James Gordoun pretendit occupear of four oxingang thairoff Maister Duncan Forbes off Monymusk pretendit principall tennent of the Mill of Monymusk Patrik Mill his subtennent thair and occupear of the said Mill and Johnne Hay pretendit occupear of the Ailhous and Ailhous Croft off Monymusk For the wrangous and wiolent occupatioun thairoff ilk ane respective for thair awin pairtis sen the feist of Witsounday last bipast thai and ilk ane of thame being lauchtfullie warnit fourty dayis preceiding the said feist to haue flittit and removit thairfra The saidis lands and millis pertening to the said nobill lord in heritage feu ferme and heritage liand within the Lordschipe of Monymusk Regalitie off Sanct Androwis and Srefdome off Abirdeine Compeiring the said nobill lord personalie in jugement and Maister Wm Dauidsoune his procuratour and producit his precept off warning deulie

execut and indorsat giffin undir his L/ subscriptioun manuall at the Bog of Geycht the xxj day off Aprill the yeir off God j^{m}v^{c} sevintie sex yeiris Togidder with the Shreffis preceptis derect thairone deulie execut and indorsat to this day Togidder with ane instrument off Seasing of the lands mills ailhous and croft aboune writtin with the pertinentis particularlie as is aboune expremit off the dait the day off the yeir off God j^{m}v^{c} sevintie yeiris undir the signe and subscriptionis off and desyrit proces And in the midtym Compeirit Maister James Forbes Shreff in that pairt and producit our Soueran lordis letters dischargeing the Shreffis off all proceiding and of thair offices in that pairt quhill the sext day of November nixtocum Quhilkis letters the Shreffis obtemperit and obeyit and ordinit the same to be insert in thir buikis Off the quhilk the tennour followis JAMES . . . . . Forsamekill as it is humelie menit and schavin to us be Jonet Forbes [here follow names as above] That quhair our traist cousigne and counsalour George Erle off Huntlei [sic] allegeand the saidis compleneris landis to pertein to him hes be his moyan obtenit ane commissioun undir the testimoniall of the gryt seill be deliuerance of the lordis of our counsall constituand Gilbert Mengzes of Covlie Maisteris George Myddiltoun and Gilbert Bissat burgesses of our burght of Abirdeine and certan uther Shreffis of our said Shrefdome of Abirdeine and Bailzeis of the Regalitie of the Barrony of Keig and Monymusk in that pairt upoun the quhilk commissioun the saidis Shreffis and Bailzeis in that part hes derectit furtht thair precept at the instance of our said traist cousing and thairwitht hes causit sumound the saidis compleneris and thair saidis tennentis to ane gryt number to compeir befoir thame in ane Bailzie Court to be haldin be thame within the Tolbuiytht of our said burght of Abirdeine the xvij day of Julij instant to heir and see the saidis compleneris and thair saidis tennentis decernit to remove fra the saidis landis in the quhilk actioun the saidis pretendit Bailzeis and Shreffis intendis to proceid and gif decreit aganis thame at the instance of our said traist cousing howbeit in weritie thai can be na juges competent to the saidis compleneris as haueand power viz Commissioun In respect that the same Commissioun is purchest be the meanis and wayis of our said traist cousing be circumuentioune of the saidis lordis of our counsall tacita et suppressa veritate neuir informand the saidis lordis that the saidis compleneris thair kyn freindis tennentis and seruandis ar exemit fra our said traist cousingis persoun as Shreff principall of Abirdein and his depuittis thair office and jurisdictioune and that the saidis lordis of our counsall hes giffin decreit of exemptioun and gif the saidis lordis had bein myndit thairoff thai wald na wayis haue grantit the said pretendit commissioun For it is of weritie that our louit cousing William Lord Forbes the saidis compleneris thair kyn freindis for diuers respectis obtenit ane

decreit befoir the saidis lordis exemand thame thair kyn freindis tennentis and seruandis fra our said traist cousing as Shreff of our said Shrefdome his depuittis thair offices and jurisdictioun of the said Shreffschipe notourlie knavin to the saidis lordis Quhilk decreit of exemptioun proceidit upoun ane ordinar proces be sumoundis rasit aganis our said rycht traist cousing quhairupoun and upoun diuers guid considerationis moving the saidis lordis the said decreit proceidit and wes giffin quhairin the saidis lordis appoyntit ane certan number of thame selffis to be juges in all ciuill caussis concerning the saidis compleneris and dischargit our said traist cousing and his depuittis of all proceiding aganis thame Quhilk decreit of exemptioun as yet standis in effect and sua the said commissioun as euill purchest the saidis lordis being onlie jugdes [sic] competent to thame in all thair ciuill caussis and effect thairoff aucht and suld be suspendit simpliciter fra all proceiding aganis the saidis compleneris in quhatsumeuir actionis persewit be our said traist cousing And forder the said Commissioun is werray euill purchest thay neuir being sumoundit to haue hard the samen gevin nor yit aucht ony wayis to tak ony effect in respect of the said decreit of exemptioun proceiding upoun ane ordiner proces standing on reducit or dischargit as said is And albeit thair wer na decreit off exemptioun gevin be the saidis lordis yit the personis of the saidis juges nor yit the place appoyntit for the saidis compleneris compeirance ar na wayis competent For it is of treutht that the saidis juges with the touneschipe off Abirdeine in tyme of the last trubles tuik pairt aganis the saidis compleneris and assistit our said traist cousing his kin freindis[1] Nather may thay yit compeir in the said appoyntit place for defens of thair saidis actionis without assistance and fortificatioune of thair kin and freindis for suretie of thair lyiffis lyk as our said traist cousing will nocht faill on the uther syd to be accompaneit witht his kin and freindis And sua baytht the saidis parteis being conuenit in ane place quhilk is the principall and speciall place of our said traist cousingis jurisdictioun thair may gryt skaytht and inconuenience follow and thairfoir the said commissioun is evill purchest and grantit and effect thairoff aucht and suld be simpliciter suspendit and the said juges dischargit fra all forder proceiding in the said caus or leiding off proces aganis the saidis compleneris and the saidis tennentis be wertew thairoff and the said actioun aucht and suld be remittit to the saidis lordis as onlie juges competent thairto conform to the said decree of exemptioun to be decydit be thame as accordis of the law as is allegit OUR WILL is heirfoir [as in other examples]

1. The reference here is probably to the affray between the Gordon and Forbes families at the Crabstane [Novr. 1571] in which the citizens were said to have sided with the Gordons.

Proceedings in the Services of George Earl of Huntly as heir to his father in the Lordship of Huntly and Regality Lands in Keig and Monymusk

A THE LORDSHIP OF HUNTLY

CURIA Balliuorum burgi de Abirdeine tenta in pretorio eiusdem decimo die mensis Augusti anno Domini millesimo quingentesimo septuagesimo quinto per honorabilem virum Alexandrum Chalmer ballium

THE said day compeirit honorabill men Gilbertus Mengzes of Cowly and Maister George Myddiltoune and presentit in jugemente ane commissioune undir the gryt seill giffin be our Souerane Lord chargeing thame as Schirreffis of Abirdeine in that pairt to sit in the tolbuytht of the said burght of Abirdeine for seruing of our Souerane Lordis breive or breivis impetrat and rasit at the instance of ane mychtie lord George Erle of Huntlie Lord Gordoun and Badzenocht To be seruit as narrest and lauchtfull air to umquhill George Erle of Huntlie his fader conforme to the breiff and petitioune to be producit Requering Alexander Chalmer bailzie to ressaue thair aythis for faythtfull administratioune of thair offices as Shreffis in that pairt The Quhilk commissioun the bailzie forsaid causit be red in jugement and thaireftir gaif the aythis to the saidis George and Mr Gilbert [sic] pro fideli administratione ut congruit Quhilkis Juges acceptit the said commissioun in and upoun thame and gaue thame the aythis for dew administratioun of thair offices conforme to the said commissioune upoun the quhilk Alexander Gordoun procuratour for the said nobill Lord askit act of Court and instrument And the saidis Shreffis causit affence the Court de nouo as followis

CURIA Vicecomitatus de Abirdeine tenta in pretorio eiusdem decimo die mensis Augusti anno Domini millesimo quingentesimo septuagesimo quinto per honorabiles viros Gilbertum Mengzes de Cowly et Magistrum Georgium Middiltoun Vicecomites de Abirdeine in hac parte per commissionem deractam coniunctim pro tribunali sedente Quo die sectis vocatis et curia legittime affirmata

THE said day Gilbert Mengzes of Cowly and Maister George Myddiltoune burges of Abirdeine eftir the acceptatioun of the said commissioune and causing of the court fensing agane of new Constitut Wm Bruce thair Clark of Court Dauid Gunner Officiar and Gilbert Burnet Dempster quha gaif thair aythis for faythtfull administratioun of thair officis in that pairt ay and quhill thai be dischargit according to the tennour of the said Commissioune quhilk thai ordinit to be registrat and insert in thair buikis and eftir the inspectioune of our Souerane Lordis breive Decernit and

Ordinit the memberis of court forsaid to pas to the mercat croce of Abirdeine and proclame the same to the xj day of October nixtocum upoun the quhilk the saidis Shreffis tuik Act of Court and instrument Followis the tennour of the Commissioun

JACOBUS Dei gratia Rex Scotorum [Here is engrossed Commission in Latin appointing Thomas Mengzes of Pitfoddels, George Ogilvy of Dunlugas, William Hay of Delgaty, Gilbert Mengzes of Cowlie, and Messrs. George Middleton and Patrick Rutherford, burgesses of Aberdeen, or any one or two of them, Sheriffs of Aberdeen in that part for the purpose of Lord Huntly's service.]

Datum sub testimonio nostri magni sigilli apud Edinburght Octauo die Julij 1575 et regni nostri octauo Sic subscribitur ex deliberatione dominorum consilii commissio

CURIA Vicecomitatus de Abirdeine tenta in pretorio eiusdem undecimo die mensis Octobris anno Domini millesimo quingentesimo septuagesimo quinto per honorabiles viros Gilbertum Mengzes de Couly et Magistrum Georgium Mydditoun Vicecomites de Abd in hac parte per commissionem S D N regis pro tribunali sedente etc

THE said day compeirit ane nobill and potent Lord George Erle of Huntlie personalie in jugement and Maister Johnne Kennedy his L/ procuratour and producit our Souerane Lords breiff deulie execut and indorsat and als ane petitioune derect thairone Togidder with ane Commissioun derect to Gilbert Mengzes of Cowly and Maister George Middiltoun Shreffis of Abirdeine in that part quha acceptit the said commissioun in and upoune thame and causit call the breiff at the Tolbuytht wundo eftir the affensing of the court conform to the tennour of the said Commissioun of the dait the xxviij day of Julij the yeir of God j^{m}v^{c} sevintie five And thaireftir causit ane officiar call ane assyiss quhilkis wes sumound to that effect thay ar to say [as in Table of Contents *supra* p. 231 as altered p. 234] quha compeiring personalie in jugement being admittit and suorne accepting the decisioun of the said breiff and petitioune upoune thame and passing to the Counsalhous for deliuerance affirmatiue or negatiue as use is upoun the quhilk the said nobill Lord askit act and instrument AND thaireftir comperit the said nobill Lord in the said Counsalhous in presens of the said assyis nominat electit suorne and admittit eftir the acceptatioun and admissioun of thame protestit gif thai seruit nocht his L/ conforme to his petitioun of the landis libellit contenit thairintill for wilfull errour and remeid of law and thairupoun askit act and instrument

Aberdeenshire Sheriff Court:

CURIA Vicecomitatus de Aberdeine tenta in pretorio eiusdem [29 November 1575] per . . . Gilbertum Mengzes de Cowlie et Magistrum Georgium Myddiltoun . . . . .

THE said day anent the seruing of our Souerane Lordis breves impetrat and rasit at the instance of ane nobill and potent Lord George Erle of Huntlie etc To be seruit as narrest and lauchtfull air to umquhill George Erle of Huntlie his father off the landis and superioriteis contenit in the petitioune Quhilkis wer suorn and admittit abefoir and seruit nocht affirmatiue nor negatiue And be wertew of our Souerane Lordis letters wer sumoundit of new to this day undir the pane of rebellioune to deliuer affirmatiue and gif ony of thame war deid seik or absent or furtht of the realme to cheis utheris unsuspet personis in thair places quhilks all compeirit except Alexander Fraser of Phillortht George Gordoun of Lesmoir and William Cuming of Innerallоquhy in quhais places were joint Maister Robert Lumisden of Clowaytht James King of Barraucht and Alexr Leslie of Petcapill suorne and admittit with the remanent personis abefoir and siclyk producit the Chartour of Unioune gewin to umquhill Alexr Erle of Huntlie undir the gryt seill of the dait at Stirueling the xij day of Januar millesimo quingentesimo quinto et regni decimo octauo the Seasing conforme to the Chartour of Unioune undir the signe and subscriptioune of Sir Patrik Garntuly and Maister Johnne Dauidsoune noteris of the dait the xxiiij day of Julij anno millesimo quingentesimo sexto The Seasing of umquhill George Erle of Huntlie last deceissit of the haill Lordschipe conforme to the Unioune undir the signes and subscriptionis of Johnne Melwyn and James Rait noteris of the dait the xvij day of Julij anno millesimo quingentesimo trigesimo primo The Instrument of Seasing of George Erle of Huntlie last and Madame Elet Keyth his spous of coniunctfie of the haill Lordschipe of Huntlie undir the subscriptioune of Maister James Rait of the dait the secund day of Aprill anno millesimo quingentesimo trigesimo quinto and the Retour of the Seruice of George Erle of Huntlie as air to umquhill Alexander Erle of Huntlie his guidsir of the Lordschipe of Huntlie sumtym callit Straythbogy The Landis of Toucht Cluny Aboyne Glentanner Glenmuick with tenendis tenendreis and seruice of free tenentis annexis pertinentis aduocatioun and donatioun of benefices annexit and incorporat in ane free Barony callit Huntlie within the Shrefdome of Abirdene seruit be dispositioune of oure Soueran Lord for the tyme that of walour ane thousand pounds and in tyme of peace i^{m} merks and siclyk the Decreit of Reductioun of the forfaltour of umquhill George Erle of Huntlie his father of the dait at Edinburght the xix day off Aprill the yeir of God $j^{m}v^{c}$ lxvij yeiris undir the subscriptioun of Sir James Balfour Knyt of Pettindreycht Clark of Register for the tyme The Erle Huntleis awin reductioun of Parliament of the dait at

Edinburght the xix day of Apryill the yeir of God j^{m}v^{c} lxvij undir the subscriptioun of Sir James Balfour of Pettindreycht Knyt Clark of Register for the tyme Ane Decreit of Reductioun obtenit be George now Erle of Huntlie aganis William Lord Forbes of the landis of Corsinda Kebetie Ordequhart Auchabale Rannallaucht Tulleburne Tullereaucht Tulmavyders Tolmaddis Tullefour Tullekerie Meikill and Litill Tornaveine Drumlavse Larchastane Tullekerie liand within the Barrony of Cluny The landis of Foddirbirss and Abirgardyn liand within the Barrony of Aboyne The landis of Sunhuny liand within the Barronie of Midmar within the Shrefdome of Abirdeine reducit in Seassioune the first of Julij anno lxxv yeiris undir the subscriptioun of Maister James Makgyll of Rankellour Clark of Register for the tyme Item ane Decreit of Reductioune in Seassioune contra Johnne Forbes of Brux of the landis of Gellane with the miln of the same and siclyk contra Robert Calder of Assuanlie viz Over Assuanlie Carnagat Neddir Assuanlie Ester Candopark Newbigging and Corrchorne with thair pertinentis reducit in Seassioun of the dait the feird of Julij the yeir of God ane thousand five hundreth sevintie five yeiris undir the subscriptioun of Mr James McGill Clerk of Register for the tym Item ane Reductioun of Seassioune aganis Johnne Erle Mar Robert Innes of Innermerky Johnne Forbes of Tolleis Patrik Leslie of Kincragy Madame Annapell Murray tutrix to the said Erle Mar of the landis of Carneburro Garbrek Balnaboth Balnacrag with pendiculis and pertinentis The lands of Innermerky with the mill thairof The landis of Torreglass The landis of Auchbeggis The landis of Lettacht Baddinlaw Hiltoune Graystane Fischarhillok The Landis of Fyndlatre The landis of Kyncragy with the pertinentis and mill of the same of the dait the third of Merche anno lxxiiij yeiris Item ane Reductioun of Seassioune contra Wm Erle Merschell of the landis of Balmvir with the pertinentis callit Myirsyid The landis of Cokcla The pendicle callit Damhillok the landis of Densyid with thair milns multuris pairtis pendiculis annexis connexis tennendis tennendreis and seruice of free tennentis of the dait the fyift of Julij lxxv yeiris undir the subscriptioune of Mr James McGill Item ane Reductioun in Seassioun aganis Robert Commendatour of Halieruidhous Sir Jon Wischart of Pettarrow Knyt of the lands of Kabracht the Ley of Tullihady The Forrest of Corryny with milns fischings multuris The landis of Glenmuik Obeyn Glentanner Inchmarnocht Tullycht Ballater Kandmoris with Loche and place of Kandmoir of the dait at Edinburcht the xj of Februar the yeir of God j^{m}v^{c} sextie sevine yeiris Item ane Decreit of Reductioune agains Jon Sempill and Mare Levingstoun his spous of the lands of Drumedclgie Outseit Bynsyd Boghary Intoun Inchethomache Drumequhaill Dyikheid Muirfauld Carnequholpe Braklais Incharne Brewlandis thairoff Carnetorrew Lands of Drumheid Dauidsoune

Intoun of Dauidsoune Neddirtoun of Dauidsoune Over Daucht Ardonald Botarie West third eist pairt Miln of Botarie Bogforg Mydseit Morlach Auchquhaunachie Over Auchindoun Neddir Auchindoun Daucht the Brewlands of Rothven Brighous the Miln of Rothven Ogstoun the Miln thairoff Quhyithill Armaletie Cumrie with all and sundry the outseittis pendiculis and pertinentis off the dait the xj day of Februar anno lxvij yeiris undir the subscriptioune of Maister James Makgyll

[Here follows the service of Lord Huntly to the Lordship and Barony of Huntly, which is in usual form and is summarized in Table of Contents p. 235 *supra*.]

B THE REGALITY LANDS

Gilbertus Mengzes et Magister Georgius Middiltoun judices in causa Comitis de Huntlie et curia in eorum nominibus tenta prout supra

(29 November 1575)

THE Quhilk day comperit ane nobill and potent Lord George Erle of Huntlie Lord Gordoune and Baidzenocht and presentit our Souerane Lordis breiff of Chancellarie with ane petitioun to the personis of Inqueist undirwrittine To wit [as in the previous service] quha wes suorn and admittit for seruing of the said nobill lordis breiff Requering the saidis inqueist to serue the said nobill Lord as narrest and lauchtfull air to umquhill ane nobill and potent Lord George Erle of Huntlie his father OFF all and sundry the landis of Seueildy Balgownie Armagathill Puttaquhy Pettindreytht Bruny Miln of Keig Ailhous and croft thairoff Dullab Engzean Mekill Abircaty Litill Abircaty Glentoun Fingzeaucht with the miln thairoff Petmvny Covlie Miln of Monymusk Ailhous of Monymusk Ouchterkeig Ardneidlie Inver Todloquhy Tullochorne Eddindurnocht Tullesproly Cotteshill and the Kirklands of Kynkell and landis of Dyiss with all and sundrye thair pendiculis and pertinentis liand respectiue within the Lordschippis and Barronyis of Keig and Monymusk Regalitie of Sanct Androvis and Shrefdome of Abirdein In the quhilks landis milnis ailhouss with thair pendiculis and pertinentis aboue writtine his said umquhill fader deceissit last westit and seasit as of fee at faytht and peace of Marie thane Quein of Scotland haldin of the Bischope of Sanctandowris in fewferme and heritage for the yeirlie payment contenit in the Chartour[1] And the said Assyis eftir matuir deliberatioun refuissit to serue the said Lord of the landis milnis aillhouss

1 The Charter here referred to was doubtless the grant by the Archbishop of St. Andrews to George, Earl of Huntly on 7 April, 1543, on which sasine followed on the 23rd of the same month. *Vide Ant. A. & B.* IV., p. 480.

croftis and remanent aboun writtine In respect thair is no Bischope of Sanctandrouis prouydit at this tyme knavin to thame and the Bischope of Sanctandrouis being prouydit hes his avin Chancellarie and derectis his breuis and passis be returis and this breif is nocht derect be him bot be the Chancellarie Quhairupoun the said nobill Lord protestit he incurrit no danger heirthrow in respect the wyit wes nocht in him bot his L/ had schavin detfull dilligence and for remeid of law aganis the said assyis and thairone tuik act of Court and instrument

CURIA Balliuatus Sancti Andree tenta in pretorio burgi de Abirdeine per honorabilem virum Magistrum Gilbertum Bissat de Petmukstoune ballium dicte regalitatis Sancti Andre in hac parte specialiter constitutum virtute commissionis Supremi Domini nostri Regis ex deliberatione Dominorum consilii sibi concesse sub testimonio magni sigilli prout in dicta commissione expresse tantum est sexto die mensis Februarii anno domini millesimo quingentesimo septuagesimo quinto pro tribunali sedente sectis vocatis et curia legittime affirmata

THE said day the Bailzie forsaid according to the forsaid commissioune and his office and jurisdictioune forsaid specefeit thairin Creat Williame Bruce clark of the said Regalitie Dauid Gunner sergeand and Gilbert Burnet dempster and gaiff thame the aythtis perticularlie that thai and ilk ane of thame suld use thair offices lelelie and treulie ay and quhill thai wer dischargit

Eodem die curia de nouo affirmata

THE said day the Bailzie forsaid eftir the lauchtfull creatioune of all memberis of court in maner befoir specefeit Ordinit the forsaid Commissioune to be registrat and insert in thir buikis in forme of judicial act for his warrand off the quhilk the tennour follovis

JACOBUS Dei gratia rex Scotorum Omnibus probis hominibus suis ad quos presentes litere peruenirent salutem [Here is engrossed Commission in Latin appointing Gilbert Mengzes of Cowlie, Mr. George Middleton and Mr. Gilbert Bissat of Pitmuckstone or any of them Baillies of the Regality of Saint Andrews for the purpose of Lord Huntly's service. Dated at Edinburgh 17th January 1575-6.]

CURIA Balliuatus regalitatis Sanctiandree [18 February 1575-6 before Mr. George Myddiltoun sitting in terms of foregoing commission.]

The said day the bailzie forsaid acceptit the commissioune derect furtht off our Soueran Lordis Chancellarie in and upoun him and wes suorne to that effect in jugement and causit the court be fensit of new in his name

ratefeit and apprevit the memberis of court creat the sext day of Februar last lik as in the act registrat in the Bailzie Court buikis off Abirdein is contenit Upoun the quhilk Maister William Dauidsoune procuratour for ane nobill and potent lord George Erle of Huntlie Lord Gordoun and Baidzenocht tuik act of court and instrument

CURIA Balliuatus regalitatis Sanctiandree [27 February 1575-6 before Messrs George Myddiltoun and Gilbert Bissat sitting in terms of foregoing commission]

HEC Inquisitio legittime facta fuit in pretorio burgi de Abirden [date and sederunt as above] per subscriptos inquisitores [as in Table of Contents p. 237 *supra*] QUI jurati dicunt magno sacramento interueniente quod quondam Georgius Comes de Huntlie . . . . . pater nunc Georgii Comitis de Huntlie . . . . . Obiit ultimo vestitus et sasitus ut de feodo ad pacem et fidem Marie matris Serenissimi domini nostri regis tunc pro tempore regine Scotie in totis integris terris villis molendinis brasinis croftis officio balliuatus pendiculis et pertinentis subtus specficatis viz [description as in petition *supra* p. 286 followed by usual finding of propinquity] Et quod dicte terre molendina brasina crofte balliuatus officium dictarum barroniarum de Keig et Monymusk ac singularum terrarum et pendicularum suprascriptarum cum earundem pendiculis et pertinentis.valent nunc per annum ducentis octuaginta septemdecim libris vj s octo denariis usualis monete regni Scotie et tantum valuerunt tempore pacis annuatim Et quod tenentur immediate in capite de Archiepiscopo Sanctiandree et suis successoribus in feodifirma et hereditate Et quod fuerunt prout de presenti extant in manibus Archiepiscopi Sanctiandree superioris earundem et eiusdem loci tenentis per spacium undecim mensium aut eocirca ultime elapsorum ratione non introitus (exceptis terris de Fyngzeaucht cum molendino eiusdem pendiculis et pertinentis Quequidem terre de Fyngzeaucht cum molendino fuerint in manibus dicti Archiepiscopi domini superioris earundem et sui loci tenentis per spacium septem mensium aut eocirca ultime preteritorum ratione non introitus) particularibus infeofamentis super iisdem factis per dictum superiorem ante dicta spacia undecim et septem mensium respectiue minime reductus in defectu ipsius Georgii Comitis de Huntlie veri heredis earumdem jus suum hucusque minime prosequentis Datum et Clausum etc

Dispensation for Service in Aberdeen of John Leslie of Balquhain to Subjects in Inverness-shire 7 July 1576

Followis the tennour of our Soueran lordis Letters of Dispensatione with the place

JAMES be the grace of God King of Scottis To our Shreffis of Inuernes

and his depuittis and to the personis quhilkis sal hapin to be upoune the inqueist in serving of the breives undir writtine greting Forsameikill as our louit Johnne Leslie off Balquhane hes rasit breives of inqueist of our cheppall direct to yow our said Shreff of Inuernes and your depuittis to be seruit befoir yow as narrest and lauchtfull air to umquhill William Leslie off Balquhane his father off certan landis millis fischingis and utheris liand within our said Shrefdome of Inuernes Togidder with the office of Constabillarie and keiping of the hous in the Channonrie of Ross pertening to the Bischope thairoff QUHILK breiff is proclamit to be seruit befoir yow in the Tolbuytht of Abirdeine be dispensatioun of the place the sevint day of Julij nixtocum And gif ony partie or persoune will compeir and obiect aganis the seruice of the saidis breives be productioun of ony allegit horning aganis the said umquhill William Leslie or aganis the said Johnne persewar of the saidis breivis sua that the said inqueist may nocht full the said breive (quod dictus Villelmus obiit ad pacem et fidem nostram) OURE WILL is heirfoir and we with awyis and consent of our darrest cousing James Erle of Mortoune Lord Dalkeytht regent to us our realme and lieges chargis yow straillie and commandis that incontinent thir our letters seine ye our said Shreff your depuittis and personis of inqueist forsaidis proceid to the serving of the said Johnnes breives and clame giffin in thairupoun and serve the samyn Nochtwithstanding ony letters off allegit horning to be producit or allegit aganis the said umquhill Wm or Johnne for stopping thairoff and full the said breve in that poynt (quod obiit ad fidem et pacem nostram) as said is nochtwithstanding the said allegit horning And will and grantis that ye nor the personis off inqueist forsaidis quha sal happin to pas upoun the said seruice sall thairthrow incur no danger of wilfull errour nor ignorant errour nor yit ony hurt nor danger thairthrow in thair personis landis or guidis in ony wayis nochtwithstanding ony lawis actis or statutis maid in the contrar Anentis the quhilks we with aduyiss forsaid dispenssis witht yow for evir . . . . . Subscriuit be our said darrest regent and undir our signet At Colbrandspeth the fyivteine day of Junij and off our regnne the nynt yeir 1576 Sic subscribitur James Regent

Dispensation for holding a Court in harvest vacation

(Entered 31 August 1576)

JAMES be the graice of God King of Scottis To our louittis Androw Laird messinger, Our Shreffis in that pairt coniunctlie and seuerallie speciallie constitute greting Forsamekle as it is humelie menit and schawin to us be our louitt Johne Straquhin sone and apperand air to umquhill Williame Straquhin of Tibbertie That quhair he hes raisit

breiffs of our Cheppell to be servit as narrest and lauchfuil air to his said umquhill fathir befoir our Shreff of Abirdene and his deputtis to all landis and anvelrentis in the quhilkis his said umquhill fathir deit last vestit and seasit as of fee liand within our said Shrefdome And becaus of the feriat and cloiss tyme of harvest approching our said Shreff and his deputiis will not proceid to the serving of his said breiffis without our saidis lordis of counsall dispence with thame to that effect And it is of veritie thar wil be na hervest befoir the first day of September nixtocum Oure will is heirfor and we charge yow straitlie and commandis that incontinent this our letters sene ye pas and in oure name and auctoritie command and charge our said Shreff of Abirdene and his deputtis to fens said court and proceid to the service of the said compleneris breiffis nochtwithstanding the feriat and cloiss tyme of harvest approchand anent the quhilkis the saidis lordis of our counsall will dispenss with thame be thir our letters unto the said first day of September nixtocum according to Justice &ca &c . . . . . Gevin under our signet at Edinburght the xxviij day of July and of our regne the nynt yeir 1576 yeiris.

Revocation of Deeds granted in Minority

(9 June 1574)

The said day compeirit personaly in jugement Issobell Murray dochter naturall and lauchtfull to umquhill Maister Gilbert Murray[1] burges of Abirdeine nov spous to Williame Bruce[2] burges of the said burght and thairout of the presens of hir said spous renuncit reuockit and be thir presentis renuncis [and] reuockis all actis contractis obligationis instrumentis vrittis and documentis quhatsumeuir maid be me or witht consent of quhatsumeuir my tutouris and curatouris to quhatsumeuir persoun or personis of quhatsumeuir landis watteris fischingis[3] annuelrentis guidis or quhatsumeuir in my minoritie and preceiding the dait heirof except the landis resignit be me in the bailleis handis of Abirdeine in the favours of me and the said Williame my husband and the airis gottin betuix us conforme to the infeftment maid thairupoune and hes suorne the gryit aytht that scho is nocht compellit nor coakit heirto bot of hir avin frie motiue will

1 Admitted burgess 20 April, 1551, *Misc. of Club*, I. p. 63. Defender in a Spuilzie, *supra* p. 143.

2 Admitted burgess 8 March, 1566-7, *Misc. of Club*, I. p. 68. Sheriff Clerk Depute, *supra* p. 192.

3 Previous reference to the family of Murray seem to suggest a connection with Ruthrieston and fishings in that neighbourhood, *supra* pp. 35, 79.

Sederunt of a Head Court and List of Absent Barons

Curia Capitalis vicecomitatus de Abirdene tenta in pretorio eiusdem secundo die mensis Octobris anno Domini millesimo quingentesimo septuagesimo sexto per honorabiles viros Adamum Gordoun de Auchindoun Georgium Gordoun portionarium de Kindrocht Magistrum Gilbertum Bisset de Petmuxtoun vicecomites deputatos dicti vicecomitatus coniunctim et diuisim [etc]

Nomina absentium

Dns de Erroll	D.p.et.s.	D de Delgatie	D.p.
D de Elphingston	D.p.et.s.	D de Frendraucht	D.p.s.
Archiepiscopus Sancti Andre	D.p.et.s.	D de Stanevod	D.p.s.
		D de Beltie Fraser	D.p.s.
Episcopus Abirdonensis	D.p.et.s.	D de Auchinhuiff	
Episcopus Sancti Andre	D.p.et.s.	D de Cultir	D.p.
Abbas de Arbroith	D.p.et.s.	D de Drum	D.p.
Abbas de Deir	D.p.et.s.	D de Cushny Gordoun	D.p.s
Prior de Monymusk	D.p.et.s.	D de Kennertie	D.p.s
Minister Sancti Trinitatis	D.p.	D de Carntralzean	D.p.s
Rector de Kincardin	D.p.	D de Cultis on Deesyid	D.p.
D de Phillorth	D.p.	D de Balmad	D.p.s.
D de Feddrett	D.p.s.	D de Petfour	D.p.s.
D de Boquhollie	D.p.	D de Auchtirarne Gordoun	D.p.s.
D de Tuchis Innes	D.p.s.		
D de Udny	D.p.	D de Lumphannand	D.p.s.
D de Balnacrag	D.p.	D de Ruthvenis	D.p.s.
D de Creicheis Innes Cheyne	D.p.s.	D de Innererrnand	D.p.s.
		D de Glenkindie	D.p.
D de Erskene	D.p.s.	D de Lenturk	D.p.
D de Borthuik	D.s.	D de Halheid	
D de Grandoun	D.p.s.	D de Rothibirsbane Innes Stewart	D.p.s.
D de Schethin Petgownie Murcur	D.p.s.	D de Kynaudie	D.p.s.
D de Sinclair	D.p.	D de Glencuthill	D.p.s.
D de Peirk de Cremound	D.p.et.s.	D de Petmedden	D.p.s.
D de Auden	D.p.s.	D de Leslie	D.p.s.
D de Scheves Gordoun	D.p.s.	D de Petcapill	D.p.s.
Alexander Dunbar pro terris de Conze et Petfounsie	D.p.s.	D de Balhaggirtie	D.p.
		D de Auchlevin Ogilbie Leyth	D.p.

D	de Mekill Drumquhendill	D.p.s.	D	de Ardoyne Leyth Ogilbie	D.p.et.s.
D	de Dunbrek	D.p.s.	D	de Blakhall	D.p.s.
D	de Udaucht Copland	D.p.s.	D	de Towie	D.p.s.
Portionarii de Moncuffer		D.p.s.	D	de Monycabok	D.p.s.
D	de Litill Folay	D.p.s.	D	de Ardgrayn	D.p.
D	de Litill Drumquhendill	D.p.s.	D	de Drumblait Haliburtoun	D.p.s.
D	de Brodland Rattray	D.p.s.	D	de Cragisfintray	D.p.et.s.
D	de Vausbirness	D.p.s.	D	de Forrest de Kintor	D.p.s.
D	de Many	D.p.s.	D	de Balhalwie	D.p.s.
D	de Curtestoun	D.p.s.	D	de Rattray	D.p.s.
D	de Fingask	D.p.s.			

The Diet Books: Vol. IV., June to November 1584

This volume is in every respect a contrast to the one last noticed. Instead of being a careful transcript it would rather seem to be part of the original Court Book for the time. It is not complete, a portion of it at the beginning being awanting, as well as pages here and there through the volume. The penmanship is hasty and many deletions and marginal additions occur. The contents are various but not dissimilar to those in the preceding volume. Besides Decrees, chiefly of removing, there are the ordinary formal interlocutors, some advocations, two or three services, the Michaelmas Head Court and various miscellaneous matter including some acts of caution for persons accused of crime.

Allusion has already been made to the scribbling on the fly leaves of some of these old volumes and there is here reproduced an example from the volume presently under notice. The last leaf contains on one side a Decree of Removing at the instance of Johne Gordon of Glascoforrest against David Lamb in Langmanswalls in Rothienormound and on the other side, although not in the same handwriting, the following quaint and touching lines regarding what those who are skilled in folk-lore tell us was an old Valentine Eve custom. The authorship, the Editor has not succeeded in tracing.

O fairest fair my lowe giue I durst say
My mynd to you I will mak manifest
Young men and maidis did cum to sporte and play
On Walantine ewin and so amang the rest
They gaue command that ane suld tak in haist
Bayth pen and ink and for to put in wreit
Sick sacred namis as ilk man pleissit best
On lyttill peace off pleass[1] and paper quhyit
Your sacred name in quhome I tak delyit
Amonges the lawe was wreitin in that place
Syne put togidder in maner most perfyit

1 Presumably plaits or folds.

Aberdeenshire Sheriff Court

Ilk ane to drav as God pleissit of his grace
Than gracious God quha did behald my face
Micht ken be it I was opprest with feir
And thocht my selff into ane langsum caice
Giff so haide chanssed that I haid lossit my deir
Yit gracious God did so for me prowyid
To drawe sweit you I wiss to be my bryid

Table of Contents of Vol. IV. of Diet Books

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. June.	Removing, Action of.	John Mortimer and his curators *v.* John Lesly.	Protestation by Mr. George Barclay, Procurator Fiscal on behalf of the Crown that he ought to have been called. The case referred to the Lands of Auchquorties.
	Removing, Decree of.	John Lumisden of Cushnie *v.* Mr. Robt. Lumisden of Tullecarne eldest son and heir of umquhill Mr. Mathew Lumisden of Tullecarne and Meriore Dunbar wife of John Lumisden and others principal tenants, and their sub-tenants, Annabell Forbes, widow and executrix of Mr. Matthew Lumisden, John Law, Alexr. Lundie and James Reid.	East and West halves of the Mill of Fowlis Movat, Millands, multures, &c. Also the Mill Croft and Ailhouse Croft of the same in the Barony of Cushnie. Instrument of Sasine produced dated 20 June 1579 under the hand of Mr. James Forbes Notary Public.
	Removing, Decree of.	Alexr. Seytoun of Meldrum *v.* William Chassour.	Mill of Balcarne in the Barony of Meldrum. Instrument of Possession produced dated 17 July 1577. Notary Mr. John Balgray.
19.	Removing, Decree of.	Thomas Meldrum of Commalynes and Pettie *v.* Elspet Wilsone widow of John Meldrum and wife of Harie Gordoun and William Duncan.	Duncan did not appear and was ordained to remove from the lands of Pettie. Harie Gordoun appeared and for his wife, her son Thomas and himself agreed to remove. The Pursuer's title was a lease from his mother Dame Jane Gordoun, lady of Fyvie, liferentrix of the lands dated 28 Octr. 1569. Instrument of Sasine dated 23 February 1582. Notary Alex. Vatsone.
	Removing, Decree of.	Wm. Lesly burgess of Inverury *v.* John Johnstoun burgess thereof.	Ground called "The Stanneris of Innerowry." Sasine 22 Decr. 1575. Notary James Johnstoun.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. June 20.	Removing, Action of.	Margaret Lesly and Alexr. Abircromby her husband *v.* Hectour Davidsone, Andrew Mortimer and George Sangster and also James Leslie of Ardoyne who appeared for his interest.	The lands are not mentioned. For the pursuers were produced a Charter with Sasine dated 22 Septr. 1565 and also Crown confirmation of date 10 March 1582. On the other hand the laird of Ardoyne produced a Sasine of the lands libelled (no name given) of which the date, according to the pursuers' contention was "obscurit." The case was continued to June 27 for defences but no entry is found on that date, but it was on June 29 continued to Lammas.
	Submission.	Andrew Lesly in Balhaggartie and Agnes Lesly his wife and William Donald in Tempilland of Harlaw to Duncan Lesly of Pitcaple and Mr. Robt. Lesly of Auld craig.	A question about removing from Tempilland of Harlaw is here judicially referred.
	Removing, Decree of.	John Seytoun of Auchinhuiff, liferenter and George Seytoun his sone fear *v.* Patrik Shreff and Christane Shreff.	Four oxingang lands of Badefasche. Sasine 19 Novr. 1575. Notary Sir David Seytoun.
	Removing, Decree of.	George Meldrum son and apparent heir to Andrew Meldrum of Drumbrek *v.* John Meldrum in Smyddyburne, Agnes Fuddes and Wm. Patersone her husband, John Lamb and Wm. Lamb and Margaret Swyntoun widow of John Hart.	Parts of the Toun and lands of Mekill Folay alias Follyroull. Also the Ailhous and Ailhous croft of Kirktoun of Culsalmond. Sasine dated 19 Jany. 1582. Notary Mr. Gilbert Ross.
	Removing, Decree of.	William Pantoun of Lochtullocht *v.* Meriore Mellat widow of James Jamesone.	Toun and lands of Lochtullocht in the Parish of Monkegy. Charter by John Pantoun of Petmedden dated 20 Jany. 1573 and Instrument of Sasine dated 6 Feby. same year. Notary Sir David Seytoun.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. June 20.	Procuratory.	Hectour Dauidsone.	Mr. George Berclay and remanent procurators of Court appointed by Davidson to act as his procurators.
	Protestation.	Mr. Thomas Lesly *v.* Andrew Murdo and Alexr. Miln.	Defenders protest for expenses in respect they had been summoned and not called.
	Removing, Action of.	Mr. Alexr. Lesly in the Syd *v.* Wm. Crukschank, Symon Layng, Wm. Andersoun and Jas. Andersoun all in Syd.	The toun and lands of Syd. Sasine dated 27 May 1578. Notary Hew Hervy.
22.	Removing, Action of.	Wm. Hay of Cremondmogat *v.* Andrew Smyth.	Instrument of Sasine of Lands of Cremondmogat produced dated 5 June 1565. Notary Gilbert Kello.
	Removing, Decree of.	Adam Skynnar *v.* David Clerk, William Rany and John Dalloquhy.	Crofts at Drumquhaill alias Corss lying in the Lordschip of Strabogy alias Huntlie. Sasine 13 Augt. 1583. Notary William Frost.
	Removing, Decree of.	James Gordoun of Tullengous and another *v.* James Crukschank and James Arbuthnot.	Four oxingang of the lands of Kirktoun of Rayne. Sasine 3 Feby. 1580. Notary Mr. Andrew Thomsone.
	Removing, Action of.	Mr. John Gray of Kilmaphillay *v.* Wm. Vatsone in Kilmaphilly.	Pursuer produced assedation by Gilbert Gray of Sheves dated 17 April 1579 and Instrument of Sasine dated (?) 16 April same year. Notary Mr. Alexr. Barroun.
23.	Diligence to recover Sheriff Court Books.	Gilbert Blak freman of Abirdene *v.* Robert Philp in Newburgh.	An action of Transferring in which Defender was granted a diligence to recover the Sheriff Court Books from John Lesly of Balquhane. Besides Balquhane Mr. Gilbert Bissat and Elizabeth Forbes the widow of Wm. Bruce were called. Bissat appeared and denied having the books.
	Judicial Tender.	Gilbert and James Galloway *v.* Executors of Michael Ogiluy of Langmuir.	The Galloways tender their farm victuall as specified in some previous Act of Court.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. June 23.	Order of Court.	James Lesly.	Lesly to be charged to make exhibition of the Sheriff Court Books.
	Removing, Decree of.	Patrick Movat of Bolquholly *v.* John Gray, Donald Perie, John Murray, John Luffy and David Andersone.	Gray produced a lease. Perie appeared and found caution for violent profits (John Gordoun of Carnburrow being cautioner) while decree passed against the others in respect of their neither producing title nor finding caution. Andersone reserved action against Mr. Andrew Mowat, the Bailzie to the Laird of Bolquholly.
	Removing, Consent to	Alexr. Irving of Beltie *v.* John Cushny younger in Torphinnis.	The Defender appeared and granted him lawfully removed from four oxingang of Torphinnis.
	Removing, Decree of.	Patrick Cheyne of Essilmonth *v.* Meriore Mitchell and John Patrie her guidsone.	The defenders alleged a year's tack still to run and referred to the Pursuer's oath, who being present and sworn, denied their averment and obtained decree.
	Eviction, Action of.	Margaret Chalmer widow of Patrick Forbes in Carnehill and Wm. Vatsone her present husband *v.* Mr. Alexr. Forbes in Carnehill.	Defences lodged and case continued to "Lammes Evin" for answers.
	Removing, Action of.	Alexr. Seytoun of Meldrum *v.* William King in Frosterhill.	Continuation of consent to the following day, but no entry is found then.
	Rent, Action for.	John Gordoun of Carnburrow *v.* Thomas Schand, Andrew Schand and their colleagues.	Produced for Pursuer Sasine of the lands of Polquhyt dated 30 January 1580. Notary Wm. Abircrummy.
	Removing, Action of.	George Meldrum of Fyvie *v.* Robert Meldrum in Cowhill.	Diligence to summon witnesses vizt. Alexr. Meldrum of Bogheidis, Thomas Meldrum at the Miln of Knokleyth, John Meldrum at Miln of Tulleilt, Sir John Wilsone, John Milne in Dunlugous and James Innes in Duneis.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. June 23.	Spuilzie, Action of.	Mr. Thomas Menzeis of Durne *v.* George and John Herwyis in Boghoill.	Diligence against witnesses, some in Sheriff's jurisdiction and some in the Commissary's, but the witnesses in the latter are not designed. Among witnesses in Sheriff's precept were Andrew Herwy of Boyndis, Mr. George Herwy his brother, James Kempty in Mameulay and Andrew Thomsone and Vatsone at the Brig of Doyne.
	Breach of Arrestment, Action of.	The same *v.* The same.	Mr. Menzeis stated that for 14 days before and 14 days after the execution of the loosing of arrestment he and his family were not resident in Aberdeen but at Durne.
	Nature of Action not stated.	Margaret Burnet and George Forbes her husband *v.* Wm. Forbes in Kapilhill and Margaret Leisk his wife.	Defences produced and case continued to June 28 for answers, but no entry found on that day.
	Spuilzie, Action of.	Wm. Moir in Tullequhortie *v.* Robert Keyth in Newburgh.	The diet for the Pursuer "to say contra producta producit" by the defender continued to 29 June.
	Removing, Action of.	James Innes in Westertoun *v.* Andrew Essilmont, Andrew Cheves, James Pettindreych tenants of Perskow and Mr. Robt. Lumisden of Clovayth for his interest.	The 29 June assigned to the pursuer to answer the defences.
	Removing, Action of.	Patk. Mowat of Balquholly *v.* Thomas Persone, Wm. Craig of Craigisfintray his warrant and Alexr. Irvine of Drum for his interest.	Defences produced and continued to 29 June for replies.
	Spuilzie, Action of.	Allaster Tailzour *v.* Robert Williame.	Subject matter not disclosed. The Sheriff with consent of the procurators continued the case until Lammas Evening "in hoip of freindly dres and concord" and it was stated that "the saidis parteis hes ressauit for agreing of the said caus Andro Vatsone Allaster Mackwilliame Johne Moran and George Joiffray."

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. June 23.	Removing, Action of.	Wm. Meldrum of Baddinakoth *v.* James Lessell.	The pursuer "past fra the instance of the said cans pro loco et tempore," the defender having produced a lease for a year.
	Eviction, Action of.	Wm. Lealie in Over Dymmoyiss *v.* Wm. Cruikshank portioner of Warthill.	A diet of proof.
	Removing, Action of.	Alexr. Jamesone in Kirktoun of Skyne *v.* Nicolas Galloway, David Aikin and Wm. Jamesone.	Andrew Symmer "baxter freman" of Aberdeen became cautioner for the violent profits until Monday next.
	Removing, Action of.	George Johnstoun of that ilk *v.* John Steill and Andrew Malingside.	Case continued until "Thurisday" next that defenders might find caution. On June 29 decree was pronounced.
	Cause of Bastardrie.	My Lord Shreff *v.* Donald Williamsone spouse to umquhill Barbara Stot in Keirthyn in the Barony of Bolquholly.	The Procurator Fiscal Mr. George Barclay appeared and in absence of the defender the action was admitted to the pursuer's probation.
	Removing, Decree of.	Mr. Robert Lumisden of Clowayth *v.* John Sklait.	The sunny half lands of Westfield, Balgowny, of which pursuer had a lease from William Auchinlek of Schethin in liferent. Sasine dated 13 Decr. 155 . Notary Mr. Thomas Fynne.
	Removing, Decree of.	Alexander Murray of Cowbairdy *v.* William Gordoun.	Four oxingang of the Schadow pleuch of Auchmull, Parish of Kynnoir.
	Removing, Decree of.	William Leyth apparent of Mongarie *v.* John Mathewsone, Patk. Elmslie, Alexr. Duncansone and David Cleirhew.	Each defender removed from four oxingang of the Toun and lands of Fowslie in the Parish of Tullienessill. Sasine 31 May 1557. Notary John Straquhin.
	Removing, Decree of.	Cristane Fraser, Lady Fedderit *v.* William Crafurd, John Gerad, and Katherine Gerad widow of Alexr. Bethe.	Parts of the Lands of Irnsyde and Walkmyln of Irnsyde in the Barony of Fedderit of which the pursuer was liferentrix. Sasine 4 March 1582. Notary Mr. Andrew Clerk.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. June 23.	Wakening, Summons of.	Robert Cheyne at the Miln of Auchry *v.* Duncan Forbes of Byth.	The principal cause was one regarding Mill Multures which it was desired should be awakened and proceeded with where it left off.
	Advocation.	John Straquhyn in Finersie and Mr. John Cheyne of Fortrie his "doar" *v.* Alexr. Vod of Colpno.	The subject of the action does not appear and there is an unfilled blank for the letters of advocation.
	Removing, Decree of.	George Gordoun of Lesmoir *v.* William Perie and others.	The tenants removed occupied parts of Gorachie, Balmad, Craigheid and Morless in the parish of Kynedward.
	Cognition and Removing, Actions of.	(1) Paull Menzeis and Curators. (2) Mr. Thos. Menzeis of Durne *v.* Wm. Menzeis burgess of Abd. taking burden on him for Wm. Seytoun in Kingisseit. (3) Wm. Menzeis *v.* Mr. Thomas Menzeis.	The first and third were Actions of Cognition and the second an Action of Removing. All three were continued to "Lammes Ewin."
	Cognition, Action of, advocated.	Wm. Menzeis of Ferrehill *v.* Mr. Gilbert Bissat of Petmukstoun.	This diet had been assigned to Mr. Bissat to produce his defences in writing; but letters of Advocation were produced instead, and the case stopped in the Sheriff Court. The letters are engrossed in the Diet Book.
24.	Removing, Decree of.	John Strachin of Thorntoun *v.* Andrew Gordoun.	Part of toune and lands of Innoquhy callit the Miln Croft in the Parish of Birss. Sasine 20 Jany. 1567. Notary Robert Wilsone.
	Revocation of Deeds in Minority.	Alexr. Lesly son to umquhill Andrew Lesly Younger of Balquharne.	There is a general revocation here; but also a special revocation of "ane assedatioun maid to Mr. Thomas Lesly burges of Abirdene of ane half net of the raik on the Watter of Dee" and "ane assedatioun maid to Alex. Burnet of the lands of Balquharne."
25.	Obligation.	Mr. Robert Gardin of Ballemoir to Patrick Gordoun of Lettirfowry.	Acknowledgment by Gardin of the receipt of eight bolls of victual and obligation to pay price.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. June 25.	Removing, Decree of.	Wm. Turing of Fouerne *v.* Wm. Oudnye of that Ilk and a large number of tenants.	Various occupations called Tullefour, Gregisfardo, parts of Mains of Foveran called Newtyill, Ailbous Croft at the Kirk of Foveran and Mill of Foveran.
27.	Removing, Action of, (*Supra* p. 297.)	Wm. Hay of Cremondmogat *v.* Andrew Smyth in Milnboig.	The defender offered William Urquhart in Memsy as cautioner for the violence against whose sufficiency the pursuer objected and protested that he would hold the Sheriff personally liable if he accepted him. Notwithstanding the Sheriff accepted the cautioner.
29.	Removing, Action of.	Mr. John Gray *v.* Wm. Watsone in Kilmaphilly.	James Watsone in Newtoun of Sheves is cautioner for the violent profits in case of eviction.
	Removing, Decree of.	Alexr. Knowis elder Burges of Abirdene *v.* David Ross, Andrew Aidy, Andrew Ross, Wm. Phillen and Wm. Tailzour.	The lands of Coardo and Slowy in the Barony of Kincardin. Sasine 20 Augt. 1551. Notary Sir David Setoun.
	Removing, Decree of.	Wm. Seytoun of Blair *v.* Alexr. Roger, Thomas Mair, Andrew Byth, Alexr. Miln, Wm. Sengzeour, David Stevin, Robert and John Stevines.	Various holdings of Rothnay in the Parish of Premnay and Regality of Gareauch. Sasine dated . Notary Umquhill William Bruce.
	Removing, Decree of.	Margaret Movat liferentrix *v.* Thomas Cardno, Gilbert Crafurd, Andrew Symsone, Thomas Crafurd and Alexr. Crafurd.	Various portions of the Lands of Auchquhaith in the Barony of Fedderet.
	Removing, Decree of.	Henrie Pantoun of Craig *v.* Gilbert Hay and Katherine Pantoun.	Crawhillok croift of Craig of Allathyne in the parish of Ellon. Sasine 23 Septr. 1578. Notary John Dauidsone.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. July 4.	Removing, Action of. (two entries).	Jeane Keyth and Alexr. Hay now her spouse *v.* George Lesly, Alexr. Burnet, James Robertsone, Alexr. Matthowsone, Elspet Duthy, John Chrystie and John Luncart.	The subjects from which removal was sought were Balquharne and Hilbray. The titles produced were (1) Instrument of Sasine of Balquharne dated 29 April 1563 signed by Sir Wm. Thomsone Notary and (2) a lease of Hilbray granted by Alexr. Keyth with consent of the late Thomas Menzeis of Petfoddellis and Elizabeth Forbes his spouse. There are characteristic pleadings here on behalf of Leslie and Burnet.
	Removing, Action of.	Wm. Keyth of Ludquharne *v.* Thomas Cok and Wm. Fraser.	Lands of Mossyid alias Lytill Coklo. Pursuer founded on a Sasine subscribed by Sir Wm. Chalmer Notary Public, but no date is given. The defenders asked time to produce their title from the laird of Craig whom they alleged to be "awner of the lands" libelled.
	Removing, Consent to.	Patrick Leyth of Harthill *v.* David Gall.	Gall agrees to remove from four oxingang in the Parish of Oyne.
	Removing and Payment, Decree of Consent.	James Clerk in Houssahill and Mr. Paull Keyth in Findoun.	Clerk agrees to remove and Mr. Keyth comes under obligation to pay him 20 marks before the 3 May following in respect thereof. The subjects were the lands of Claystyillis in the Barony of Auden and apparently belonged to the Earl Marischal.
	Wakening, Summons of.	Dame Agnes Vod widow of John Lesly, Fear of Balquhane and wife of Sir Johne Carnegy *v.* John Gardin, Gilbert Chalmer & Robert Ewin all in Selby and Merioree Mellat widow of James Jamesone in Lochtullocht and John Pantoun of Petmedden for his interest.	The principal action was one of removing between these parties which had fallen asleep. At a later stage competing titles were produced by the Pursuers and Pantoun, but the end of the case is not reached in this volume.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. July 4.	Removing, Decree of.	Sir Johne Carnegy of Kinard Knyt *v.* Gilbert Gardin in Dilsek and Agnes Stot in Fingzean.	From their respective holdings in the Barony of Fingzean belonging to Pursuer situated in the parishes of Birss and Oboyne. Sasine 22 Febry. 1576.
	Removing, Decree of.	Wm. Keyith of Ludquhairne *v.* John Body and Wm. Wantoness.	Parts of Myirsyid in the Barony of Balmuir.
	Removing, Decree of.	George Earl Merschell *v.* James Clerk and Gilbert Fraser.	Lands of Claystyillis in Barony of Auden.
	Removing, Decree of.	Mr. Thomas Menzeis of Durne *v.* Tenants of Kynmondy.	Parts of the Lands of Kynmondy within the "Schyir and Bishoprik" of Aberdeen liferented by Pursuer whose Sasine was dated 7 March 1559. Notary Mr. John Kennedy.
6.	Removing, Decree of.	Bessie Forbes and John Lesly of the Law her spouse *v.* Wm. Anderson.	The female pursuer is designed as "lyifrentar of the towne and lands of Insche." The defender was ordered to remove from four oxingang land in Crystis Kirk lying in the Regality of the Gareauch.
	Removing, Decree of.	Mr. William Chalmer, Chalmerlane of Lendoris *v.* John Maters and Wm. Dempster alias Slugy tenants in Wastir Disblair.	The lands are described as in the "Paroche of Fintray and regality of Lendoris." Sasine 6 Novr. 1583. Notary Mr. Robert Paip.
11.	Removing, Decree of.	Gilbert Meinzes of Petfoddellis *v.* Patrick Still.	"The sonne tua oxingang of the schadow half of the toun and lands of Gilcomestoun." Sasine 9 April 1575. Notary Mr. John Kennedy.
17.	Removing, Decree of.	George Earl of Huntlie "Luftenent of the North" *v.* Tenents in Earldom of Huntlie.	A large number of tenants. The Decree bears that the Pursuer's Sasine was produced but no date is given. One or two defenders viz. John Gordoun of Bukie, Alexr. Murray of Cubardy and William Moir in Drumquhaill appeared, to whom the Sheriff depute assigned Lammas to give in Defences and find caution for violent profits. In the case of all the other defenders decree in absence was pronounced.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. July 20.	Removing, Decree of.	James Gordone of Lastis *v.* John and Wm. Roche.	Parts of the lands of Inuer in the Parish of Monymusk. Sasine 19 February 1577. Notary Mr. Gilbert Ross.
25.	Removing, Decree of.	Robert, Commendator of Monymusk *v.* Patk. Ramsay and John Roray.	Part of the lands of Tillyreauche called the Aylhous Seitt. Sasine 29 Novr. 1582. Notary Mr. James Forbes.
	Spuilzie, Action of.	Mr. Thomas Cheyne of Fortree *v.* John Wyight.	The action is styled one of "violence spoliatione away-taking and distroying be eitting of horss nolt and scheip of the girss of the toune and lands of Fynnersie." In the absence of the defender proof was partly led.
29.	Action for Rents. (Entry not quite complete).	Margaret Gordoun, Mistress of Forbes and John, Master of Forbes her husband *v.* Mr. James Skene of Wastir Corss occupier of the lands of Kebaty.	Letters of Advocation presented which raised the whole question of the exemption of the Forbes family and friends from the jurisdiction of Lord Huntlie the Sheriff. The relationship of the Pursuer who was Aunt of Lord Huntlie was also pleaded as an objection to him and consequently to his deputes. The validity of the Letters of Advocation was challenged.
31.	Transferring, Action of.	Gilbert Blak, freman of Abdn. *v.* Robt. Philp in Newburgh.	Warrant to charge James Lesly burgess of Aberdeen to exhibit the "Shref buikis."
	Removing, Decree of.	Dame Jeane Gordoun Lady Fyvie *v.* John Meldrum in Jakstoun, Alexr. Meldrum in Bogheids, Thomas Meldrum in Comalyne, Wm. Abote in Mekill Gourdess, David Petrie there, James Crintillie there, Elspet Sinclair widow of John Cowie there, Arthur Williamsoune there and James Duguid there.	Jakstoun, Bogheids, Comalyne, Mekill Gourdas, &c., belonging to Pursuer in conjunct fee and liferent. Sasine 20 Febry. 1527. Notary Thomas Annand.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. July 31.	Removing, Decree of.	The same *v.* Andrew Meldrum, Elspet Wilsoun, widow of John Meldrum and Thomas Meldrum his son and executor, John Greis, John Sinclar and John Cowie.	Andrew Meldrum is styled "pretendit tennent keipar and froster of the perk wod of Fywie and als occupear of ane croft pertening to the office of frostership of the said perk wod." The other subjects were the corn mill of Pettie and the lands of Stanemanhill.
	Cognition, Actions of.	Alexr. Fraser of Phillorthe *v.* Mr. Wm. Fraser of Techmurie *et e contra.*	From a number of entries here and elsewhere there would appear to have been several cross actions between these lairds in which Mr. Michael Fraser of Marno son of Techmurie, and one Alexr. Henderson, tacksman of the lands of Marno were also mixed up. Both parties appear to have obtained letters charging the Court to proceed in vacation and Techmurie had also purchased letters of Advocation. These were all presented and are engrossed in the Diet Book.
July or August	Eviction and Violent profits, Decree for. (Incomplete. Page or pages missing.)	Wm. Lesly in Dummoyis *v.* Wm. Cruikshank portioner of Warthill.	An eighth part of the toun and lands of Nether Dymmois in the Barony of Drumblade. Pursuer's title said to be a tack from Sir George Haliburton of Petcour Knyt. dated 12 Decr. 1578.
	Rents, Decree for. (*Supra* p. 305.)	Dame Jeane Gordoun, Lady of Fyvie *v.* Alexr. Meldrum in Bogheids and John Meldrum in Jakstoun.	The pursuer was conjunct fiar and liferentrix of these lands forming part of the Barony of Fyvie.
	Mill Multures, Action of.	Robert Cheyne at the Miln of Auchray *v.* Duncan Forbes of Baythe.	Duncan Forbes produced as his title (1) Charter of Alienation of the lands of (?) Grilby as part of Abirdour by annexation in the Barony of Borthik granted by William Borthyk of Abirdour at Edinburgh on 18 April 1567 and Sasine following thereon dated 28 April 1567. Notary John Hucheon.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. July or August	Removing, Action of.	Patrik Mowat of Boquhollie *v.* John Gray.	Lands of Brumhill. On the footing that the tenant would then remove, the laird "of his awyne will and liberality grants liberty" to him to remain at the old rent until Whitsunday 1585.
	Removing, Decree of. (*Supra* p. 299.)	Boquholly *v.* Thomas Persoun.	Part of lands of Balmalie in the Parish of Turriff and Barony of Cragisfintray. Sasine 20 Febry. 1578. Notary Alexr. Watsoun.
	Protestation.	Thomas Persoun, William Craig of Cragisfintray and Alexr. Irwing of Drum.	Against the foregoing Decree of Removing.
	Removing, Decree of. (*Supra* 23 June p. 298.)	Bolquholly *v.* Donald Pyrie.	Part of the lands of Lyndrum. Sasine 7 Novr. 1564. Notary Mr. Androw Lesly.
	Nature of Action not stated.	Archibald Dempster portioner of Halsywallis *v.* Dame Mary Fleming.	The Sheriff found the execution of the citation of the witnesses to be unlawful, whereupon the Pursuer referred his case to the oaths of the Laird and Lady of Fyvie and Wednesday after the "Heid Michelmess Court" was fixed for their examination.
	Improbation, Action of.	George Meldrum of Fivy and His Majesty the King by the Procurator Fiscal *v.* Archibald Dempster portioner of Halsywallis.	The genuineness of certain citations in the foregoing case by Dempster against George Meldrum and Dame Mary Fleming had been questioned and these proceedings followed. The action is said to be at the instance of George Meldrum "and at the instance off our Soueme Lord and Mr. George Barclay his M/ procuratour Phiscall."
	Removing, Action of.	Wm. Meldrum of Badynscothe *v.* David Lambe in Boigs and Adam Blakwatter his warrant.	Continued to the Michaelmas Head Court of consent. At that Court John Gordoun of Glascoforrest was admitted to defend for his interest.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. July or August.	Rents, Decree for.	James Kying, burgess of Aberdeen *v.* Wm. Glenny and Alexr. Lydgerwod.	Rent of part of Tullimad in the Parish of Ellon Crop 1579. The prices of meal and Bear are 5 marks per boll. Dozen of Capons 36/-. Dozen of Poultry 20/-. At one stage of the proceedings (23 June) Andrew Hervy of Boynds had been admitted to defend for his interest.
	Removing, Decree of. (*Supra* 17 July.)	The Earl of Huntlie *v.* John Gordone of Buky Alexr. Murray of Cowbardie and William Moir.	Gordone was ordained to remove from half Ardlony and a plough of Notht. Murray from Auchmull and Moir from four oxingang of Drumquhalle.
	Removing, Action of.	The same *v.* Mr. Alexr. Slorache.	The subjects are not mentioned in the entry, which is merely an interlocutory one.
	Removing, Action of. (*Supra* 23 June p. 298.)	Margaret Chalmer and William Watsone *v.* Wm. Craig of Cragisfintray, James Chene and Thomas Meldrum.	The Pursuers produced an Instrument of Sasine of Caldwallis. A missive was produced by an alleged cautioner for the violent profits, which was challenged as having been "laitly mayd within this hour without knaulege off the pairty." This averment was referred to the oath of the person who produced the missive.
	Cognition, Action of.	John Gordoune, apparent of Carneburrow *v.* Alexr. Elphinstoun of Balnaglaik.	The Pursuer produced a Sasine of "Eister and Wastir Innerbuchettis and landis of Ballardenemoir" in the Barony of Kyldrymmie dated 10 Septr. 1572. John Strachauchin, Notary. Objections taken to the Sheriff depute and repelled by him.
	Removing, Action of.	Mr. Wm. Fraser of Techmurie *v.* Wm. Byrny, George Colly and Alexr. Colly tenants of Ardglassie.	Sasine produced dated 1 July 1547. Notary George Keith.
	Removing, Action of.	James Innes of Touchis *v.* Bessy Lyndrum and John Lowrence.	Parts of the sunny plough of Touchis. Sasine 3 Febry. 1547. Notary Wm. Johnestoune.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. July or August.	Removing, Action of.	Mr. Duncan Dauidsoune persoun of Rathene *v.* Wm. Findlay.	Sunny half toune of Ardmakorne in the Parish of Rathene and Barony of Phillorth. Sasine dated 20 April 1584. Notary Mr. Alexr. Bruce. Decree followed on 6 Octr.
		(Page torn out here.)	
	Removing, Decree of. (Incomplete.)	Sir John Wischart of Pettarot *v.* Tenants of Straythdie and Braymar.	Sasine 13 Febry. 1564. Notary James Nicolsoun. There is a dispensation from the Court of Session allowing proceedings in vacation, which is complete, dated 1 Aug. 1584.
Sept. 12.	Consent to remove.	Wm. Stewart in favor of Helene Gordoun, widow of John Stewart of Balfour and Alexr. Gordoun now her spouse.	A Decree had been obtained against Stewart on 15 July of which there is no record in the Diet book from a plough of the Kirktoun of Birss of which the female pursuer was conjunct fiar. The Defender consents to remove reserving his right to reduce the Decree.
18.	Assault, Act of Caution.	Alexr. Leslie in Petblane accused. Wm. Leslie in Innerurye cautioner.	The "crewell and unmercifull streking and wounding of Alexr. Meldrum in Petblane."
22.	Assault, Act of Caution.	Alexr. Meldrum in Petblane accused. Robert Urquhart burgess of Abd. cautioner.	The "allegit strubling of Alexr. Leslie in Petblane be striking hurting and wounding of his barnis and seruands."
29.	Assault, Act of Caution.	James and William Dauidsoun in Ythie accused. Wm. Mure cautioner.	Mure by his procurator Gilbert Guthrie, Marchmont Herald, bound himself to enter accused for "the crewall hurting and bluid drawing of James Gourlay in Kindrocht."
Octr. 6.	Head Court, List of Absent Barons.		A very full bench consisting of the Earl of Huntlie, Sheriff Principal, Sir Patrick Gordoun of Auchindoun, Mr. Thomas Gordoun of Kynardye, and Messrs. Walter Gordoun of Wasthall, and Thomas Mengzeis junior burgess of Aberdeen, all sitting "*conjunctim et divisim.*"

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. Octr. 6.	Removing, Action of.	Dame Elet (Elspeth) Gordoun, Lady of Gycht *v.* John Cheyne in Wyndiehills.	The defender alleging a years lease, refers his defence to the pursuer's oath, which the Clerk of Court was appointed to take.
	Brief for service.	James Keyth son of Alexr. Keyth of Auchquorsk.	Dispute between Elizabeth Menzeis the heir's tutrix, and Mr. Gilbert Keyth and his brother Andrew.
	List of Jury on following Inquest.	James Jonstoun in Chepeltoun. James Maitland in Monlatie. David Gordoun in Knaven. Robert Birnye in Braklaw. Alexr. Jonstoun in Tarwes. Wm. Chalmer in Coleyne. Andrew Strachin burgess of Abd. Thomas Meldrum in Eden. Wm. Cheyne in Tulligreig. James Duncan in Meldrum. Wm. Troupt in Beggishill. Wm. Gordoun of Craig. James Cultis burgess of Abd. Gilbert Duwye burgess there. Mr. Alex. Slorache in Artlaucht.	
	Special Service.	Mr. Robert Maitland, nephew of Mr. Robt. Maitland, Dean of Aberdeen.	The town and lands of Mekill Auchzouche in the Barony of Fedderet. Old value 20/-. Present value £4. Held blench of John Fraser of Creichie. The Dean died on 19 Aug. 1579.
7.	Transferring, Action of. (*Supra* pp. 297 & 305.)	Gilbert Blak, Freman of Abd. *v.* Robert Philp in Newburghe and another.	Another reference to diligence against James Leslie to exhibit the "Shref buiks."
	Spuilzie, Action of. (*Supra* 23 June p. 299.)	Allaster Tailzeour in the Mill of Innererane *v.* Robert Williame in the Kirktoun of Innernochtye.	Action regarding the Spoliation of two mares. The defender admits liability and binds himself to pay "eftir the will of Jon Forbes of Polfluge" who epts the reference.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. Octr. 7.	Spuilzie, Action of.	Mr. Thomas Mengzes of Durne *v.* George and John Herweis in Boghoill.	This is one of several entries regarding this case. This day having been fixed as an adjourned diet for the production of witnesses who had previously failed to attend. A testimonial under the hand of the Common Clerk of Dundee was produced accounting for the failure to cite the witnesses "in respect of the commoun plag of pestilence regnand within the Southe partis of Scotland."
	Spuilzie, Action of.	James Juxoun *v.* James Anderson.	Defender protesting that he had been cited twice already and not called, got an award of 6/8 of expenses.
	Cognition, Action of.	Wm. Hay of Delgatie *v.* Alexr. Annand of Auchterellon.	There was produced the Pursuer's Sasine of the lands and barony of Argrayn Piltachie and Caldwalls under the hands of two notaries Mr. John Robertsoun and Alexr. Lesk: but the date is not given. The defender accepts the productions for what they were worth but protests that they remain in process and be neither "Alterit eikit nor parit."
	Breach of Arrestment, Action of.	Thomas Fraser of Durris *v.* Patrick Boig, Wm. Mylne, John Michell in Overloquhell and Henry and Thomas Forbes in Wester Foulis.	Pleaded that such actions incompetent in Sheriff Court. Act of Parliament 1581 founded on. Case continued. From another entry at this Court it appears that the Pursuer's Sasine was dated 30 and 31 Augt. 1577. The Procurator-Fiscal is not mentioned in this case.
	Act of Caution in a Removing.	Margaret Lesk of Fynnersie and Wm. Forbes her husband *v.* John Strachin.	Two cautioners oblige themselves that Strachin will remove in terms of a charge proceeding upon letters of four forms, and consent to registration in the Books of Council and Session.
	Removing, Action of.	Wm. Cuming of Innerallochy *v.* Nicoll Curry, Thomas Curry and Wm. Wobster.	Subjects not specified.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. Octr. 7.	Spuilzie, Action of.	George Robsoun Messenger *v.* George Wilson in Dryden.	The pursuer's title to sue was an Assignation of the right to pursue dated 14 July 1584. Subscribing notaries Mr. Thomas Molysoun and Mr. Andrew Clark.
8.	Removing, Action of.	Wm. Keyth of Ludquharne *v.* Thomas Cok and William Fraser.	Wm. Scot portioner of Rattrey is cautioner for the violent profits until "Andirsmes ewin." against which time the defenders are ordained to find "ane mair sufficient caution." The Court farther ordains the defenders "to haif the inspectioun of the perseuars sesing except the dait thairof."
	Removing, Action of. (*Supra* 7 Oct. p. 311.)	Thomas Fraser of Durris *v.* Thomas Forbes and Henry Forbes.	Robert Gordoun of Halheid becomes cautioner for violent profits.
	Molestation, Action of.	The Inhabitants and tenants of Newbugh *v.* Gilbert Blak, freeman of Aberdeen.	The Pursuers, as appears from an earlier entry, were George Bannerman of Wattertoun, John Straquhine of Typperty James Pantoun of Tillymad, Thomas Murray burgess of Aberdeen and Francay Wolster in Newburgh. At this diet four Sasines were produced for the pursuers but the dates are not given. The defender objected that he had had no opportunity of inspecting them and the case was continued to "Andirsmes evin" on the footing that the writs would be lodged eight days before that day. Besides the Earl of Huntlie, several deputes were on the bench: but the Interlocutor here runs in the name of "My Lord Shref."
	Removing, Action of.	Mr. Robt. Lesly of Auldcraig *v.* Alexr. Mylne.	John Seytoun of Lumfuird becomes cautioner for violent profits.
	Eviction, Action of.	James Robertson in Boquharne *v.* David Duncansoun in Mekill Endywie.	Andirsmes Evin assigned for defences.
	Spuilzie, Action of.	John Pantoun of Petmedden *v.* Alexr. Pantoun in Tullimad.	Defences lodged. The Sheriff assigned Andirsmes Evin for pursuer to reply.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. Octr. 8.	Removing, Action of.	Robert, Commendator of Deir *v.* Alexr. Sewan in Lytill Creichye, David Joffray there, David Sangster in Auchtydonald and Gilbert Lytiljohn there.	To Sangster and Littlejohn was assigned Andirsmes Evin to give in defences, while Decree passed against the other two.
9.	Removing, Decree of.	Dame Jeane Gordoun, Lady of Fyvie *v.* John Meldrum in Jakistoun Alexr. Meldrum of Bogheids Thos. Meldrum in Comalynes and John Greiss.	"My lord Shref decernit Thomas Meldrum and Jon Greiss to remove becaus and in respect thai nother produdit peremptors nor fand caution."
	Removing, Decree of.	John Setoun of Lumfuird *v.* John George.	Sasine 15 Decr. 1569. Notary Sir David Setoun. Action originally against both John and Alexander George his son, but decree against the father only.
	Breach of Arrestment.	The Crown by Mr. George Barclay, Procurator Fiscal, the Sheriff and Gilbert Reid of Collestoun *v.* Wm. Lesk of that Ilk and Thos. Lesk his eldest son.	This case was brought up on a Summons of Wakening.
	Spuilzie, Action of.	Alexr. Reid, son of Gilbert Reid of Collestoun *v.* Wm. Lesk of that Ilk, Thomas Lesk of Auchmad, Patrick Lesk of Lytill Haddo and John Lesk of Garpalheid.	Obviously connected with the immediately preceding action. This case had also gone to sleep and required wakening.
	Cognition, Action of.	Gilbert and Alexr. Pantoun portioners of Over Tullemald *v.* William Lord Forbes.	This day had been fixed for proof but Lord Forbes did not appear. The Sheriff however received and examined certain witnesses.
10.	Act of Caution, Mutilation.	Wm. Clark *v.* William, James, Andrew and Patrick Mortimer in Knokallachy.	James Mortimer, apparent of Cragiver becomes cautioner to enter the accused on 20 Octr. "for the mutilation and dismembering of William Clark of his ring finger of his left hand."
20.	Protestation.	The Mortimers above named.	Appear ready to take their trial but are not called. Protest that their cautioner be free and that they incur no danger and take instruments in the hands of notaries.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. Octr. 6.	Act of Caution, Mutilation. (Entered out of place in book.)	Thos. Watson in Tilliray *v.* Wm. Sangster Mill of Mynness.	Andrew Austene in Newburghe cautioner to enter Sangster for the mutilation of Watson.
Novr. 7.	Brieffs for Service as heir and of Terce.	James Keyth, son of Alexr. Keyth of Auchquhorsk and Elet. Mengzes his tutrix and also for her Terce.	Lands of Overdavacht, Tavelty and fishing thereof, also Little Kynnadyeand Salmon fishing. Mr. Gilbert Keyth opposed, and after considerable debate the petitioners procurator on the ground "that thair was nocht the just number of ane assiss" took up the brief with the petition and titles produced.
Octr. 31.	Removing, Decree of. (Entered out of date in diet book.)	Wm. Gordoun of Auchindoir *v.* Thos. Edysoun.	The "Croft gleib and Manss of Auchindoir." The Pursuer's title was a lease from his son John Gordoun, whose title was a lease for 19 years from John, Master of Forbes of the parsonage and vicarage of Auchindoir.
Novr. 28.	Brieffs for service.	James Keyth and Elet. Mengzes.	Another debate, when Mr. Gilbert Keyth and Thos. Keyth the pupil's uncle demand the dismissal of the tutrix from her office. Various titles were produced but no result is minuted.
	Mill Multures, Action of.	Walter Barclay of Tollie *v.* Patrick Cheyne of Essilmonthe, Wm. Craig of Cragisfintray, Robert Petrye in Tullemald, Thomas Craig in Balmalie and others.	Order upon parties to condescend upon their titles on 19 December.
	Removing, Action of.	Dame Agnes Wod and Sir John Carnegye *v.* The tenants of Selby and Lochtulloch and John Pantoun of Petmedden for his interest.	Pantoun produced Royal Charter of Confirmation and Sasine and so did Dame Agnes Wod. The Sheriff ordained "the daitts to be cowerit and keipit onsene" from the parties.
	Removing, Action of.	John Gordoun of Glascoforrest *v.* Andrew Meldrum of Drumbreck.	No subjects mentioned. In respect of no defences, the libel was admitted to the pursuers probation.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. Novr. 28.	Removing, Action of.	George Meldrum of Fyvie and Dame Marie Fleming his spouse *v.* Archibald Dempster portioner of Auchterless.	On production of "ane testimoniall under the subscriptioun of Jon Williamsoun Reidar to the congregatioun at Auchterless" (dated 27 Novr.) . . . "that the said Dame Marie Fleming, Lady Fyvie wes verray havelie wexit be the hand of God in hir body quhairthrow scho was onabill to trawell oyther on fute or horss" the Sheriff Clerk or a Sheriff depute were appointed to take her evidence at Auchterless and to report.
	Right of Way, Action of.	The Inhabitants of the Newburgh *v.* Gilbert Blak Freman of Abd.	This case crops up frequently, but in the entry here it is described thus "the actioun and caus of molestation and trubling the passingers passang furthe the kyngs commound get throw the Newburghe."
	Spuilzie, Action of.	John Pantoun of Petmedden *v.* Alexr. Pantoun in Tullemad.	Continued of consent.
	Mill Multures, Action of.	Patrick Meldrum in Tullecortie *v.* Michaell Fraser of Stanewod.	Continued to 30 November.
	Cognition, Action of.	Robert Hog in Tempiltoun *v.* Mr. Gilbert Bissat of Petmukstoun.	Dispute between Petmukstoun and Ferrehill of which the pursuer has Sasine on 17 May 1580.
	Payment or Forthcoming, Action of.	Thos. Gordoun, Fiar of Cluny *v.* John Mortymer of Cragywar.	Mortimer was due to one John Symsoun £79 . . . 10d. Symsoun had been put to the horn, whereby his estate was escheat to George Earl of Huntlie, the Sheriff, here described as "my lord levetennent of the Northe partis of Scotland" who had made it over on 20 July 1584 to the Pursuer.
	Assault to the effusion of blood.	Wm. Smythe at the mill of the Haltoun of Fintray *v.* Thos. Tailzeour in Wester Fintray.	Tailzeour was convicted on evidence, fined £10 payable "to my lord Shref principall for the bludweit" and found liable to recompense the injured man.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1584. Novr. 30.	Cognition, Actions of.	Wm. Mengzeis of Boighoill and Elet Cokburne his wife *v.* Mr. Thos. Mengzeis of Durne and Paull Mengzeis of Kinmundy and his curators *v.* Wm. Mengzeis and spouse.	The Pursuers produced (1) Sasine dated 24 April 1563. Notary Mr. John Kennedy. (2) Sasine dated 24 July 1582. Notary Mr. Thomas Mollysoun. (3) Lease for 19 years of the half toun and lands of Boighoill granted by the late William, Bishop of Aberdeen dated 21 July 1554 and (4) Instrument of Possession endorsed thereon dated 13 May 1555. Notary Mr. Thomas Fynnie. There were produced for Paull Mengzeis (1) his own Sasine dated 14 Septr. 1578. Notary James Inglis. (2) his father's Mr. Thomas' Sasine dated 7 March 1559. Notary Mr. John Kennedy. (3) a Lease dated 21 Augt. 1550 and (4) Sasine upon the lease dated 23 Septr. 1550. The marches of the Hill of Drumnagair and the half lands of Kinmundy are said to be in question.
	Revocation of Procuratory.	Paull Mengzeis' Curators.	Recal the procuratory granted to Messrs. John and Patrick Cheyne to act for Paull Mengzeis in foregoing action. Paull protests and asks the Sheriff to appoint curators ad lites to him.
	Removing, Action of.	Mr. Thos. Mengzeis of Durne *v.* Wm. Mengzeis of Boghoill and others.	19th December assigned for giving in defences.
	Transferring, Action of. (*Supra* pp. 297, 305, & 310.) *(Entry incomplete.)*	Gilbert Blak *v.* Robert Philp.	The excuse given for not producing Letters of diligence from Edinburgh is that actions North of the Forth are continued to 22 Jany. "be reasoun of the present pest continewand yit as abefoir."
		(A page or pages torn out here.)	
	Removing, Decree of.	James Innes of Touchis *v.* Bessie Lyndrum and John Lowrence.	The defenders had alleged a lease of which two years were still to run; but at this diet they consented to decree passing against them.
	Removing, Decree of.	John Gordoun of Glascoforrest *v.* David Lamb.	Eight oxingang of the town of Langmanniswallis being a pendicle of Rothynormound within the Barony or Lordship of Bambreycht.

Illustrative Examples taken from Diet Book, Vol. IV.

Proceedings involving Questions of Heritable Right

I.

(23 June 1584)

The said day assignit to Maister Gilbert Bissat of Petmukstoun to produce all his defenssis qualifeit in wreit in the actioun and caus of cognitioun perseuit be Wm Meingzeis of Ferrehill aganis him Comperit Wm Johnstoun Messinger and Shref in that pairt and producit our Souerane lords letters of Aduocatioun dischargeing my lord Shref and his deputis of all forder proceding in the said caus and of their offices in that pairt, quhilks letters the Shref obtemperit and obeyit and ordanit the samyn to be insert and registrat in his buiks of the quhilk the tenour followis

James be the grace of God King of Scottis To our Louitts Wm Jonstoun Messinger our Shreffis [sic] in that pairt coniunctlie and seueraly specialie constitut greting Forsamekill as it is humlie menit and schavin to us be our louit Mr Gilbert Bissat of Petmuxton That quhair Wm Meingzeis burges of our burche of Abirdene allegeing him to be heretour of the lands of Ferrehill lyand nixt adiacent to the said compleners lands of Petmukstoun within our Shrefdome of Abirdene hes raisit and causit execute ane pretendit precept of cognitioun direct be our Shref of Abirdene and his deputis for taking of cognitioun anent the methis and marchis betuixt the said compleners saids lands of Petmukstoun and the saids lands of Ferrehill Be the quhilks the said Wm intends to appropriat ane gryit pairt of the said compleneris lands of Petmukstoun to the saids lands of Ferrehill maist wrangouslie and oniustlie The said Shref of Abirdene and his deputis beand na competent Judges to decyde the heretabill rychts of the saids lands Considdering it is of weratie that the said Wm Meingzeis is actual dependan and kynnisman to our rycht traist cousing and counsalour George now Erle of Huntlie Lord Gordoun and Badzenocht &ca our lievtennent of the North our Shref Principall of our Shrefdome of Abirdene and directar of the said pretendit precept and is of degrie desendit to him bayth of affinitie and consanguinitie of the hous of Dunnoter viz Dame Elspet Keyth guddame to our said cousing beand the third and Isobell Keyth hir sister beand the said Wms mother the secund and sua our said cousing and the said Wm in consanguinitie ar

nist secundis and thirds lyik as alsua the said Williamis spous now callit Gordoun lauchfull dochter to Gordoun now of Abirzeldie quha is laitlie cum out of the hous of Huntlie and is narrer nor secunds and thirds of kin to Shir Patrik Gordoun of Auchindoun Knycht and George Gordoun[1] Shref deputis quhilk George wyif alsua and the said Wms wyif ar within degreis desendit and forder Dauid Menzeis and Walter Lowsoun[2] uthir tua of the said Shref deputis of our said Shrefdome and the said Wm ar siclyik within degreis desendit and sua our said Shref and his deputis being nar of kyn of affinitie and consanguinitie to the said persewar of the said pretendit cognitioun are suspect to be bayth Judge and pairtie in the said mater quhilk is ane wechtie caus of heretage dependand upon the interpretatioun of heretabill rychts and tytills To the decisioun quhairof na inferiour Judges aucht to be sufferit to proceid and specialie quhen thai ar within degreis desendit to the perseuar as in this causs our said Shref and his deputis ar and sua ar maist suspect to be Judges competent to decyde upon the said compleneris heretage quha will nocht faill maist wrangouslie and partialie to hurt him thairanent and to appropriat his lands to the said Wm Menzeis use gif thai be sufferit to proceid in the said cognitioun Befoir quhome the said complener dar nocht produce his euidentis for verifeing of the just bounds methis and marchis of his saids lands fering that thai seing the probabilitie thairof will destroy at the leist abstract the samyn as hes bene done be sum utheris to the said complener abefoir For trew it is that thair is na procuratours uther men of judgment noters clerks nor uther officiars of Court that dar or will assist to the said complener in defence of his iust rycht agains the Mengzeissis beand all clannit and alyat Ilk ane with utheris and duelling togidder within our said burght of Abirdene Quha nocht onlie oppressis be oppin violence the haill burgesses craftismen of our said burght bot utheris thair nychtbours lyand nixt adiacent thairabout as is mair nor notoriouslie knaven to us the lords of our counsall and sessioun and our haill court lyik as it is of weratie that upon the sext day of Junij instant the said complenar comperand in our said Shref Court with Wm King his freynd and haiffand exponit ane declaratour contrar the said George Gordoun than pretandand him Shref depute sittand in judgment quha wald not admit the same (bot) ordanit forther proces efter that the said Wm Meingzeis perseuar haid producit ane pretendit instrument of Sesing for instructing of his pretendit rycht precept and proving of the bounds thairin contenit under the allegit signe and subscriptioun manuall of Mr Thomas Mollysoun than allegit noter publict of the dait the xviij day of Nouember the yer of God j^{m}v^{c} and threescoir yers as our said Shreffis act of Court schavin to the saids lords of our counsall hes testifeit

1 George Gordoun is designed in the Sederunt burgess of Aberdeen.

2 Dauid Menzeis and Walter Lowsoun are also called burgesses.

Quhilk pretendit instrument and utheris siclyik pretendit instruments to be producit will preif the haill bounds desyrit is fals and feinzeit neuer beand in rerum natura as be the dait of the said pretendit instrument producit planelie hes apperit For the said Mr Thomas Mollysoun noter allegit subscryuar thairof is nocht as yit threttie yeir ald or thairby and nocht yit ten yers or thairabout sen he wes admitit noter publict as the Clerks of our said counsall and sessioun hes recordit and sua he culd not haif subscryuit the samyn pretendit instrument of the dait foirsaid beand na noter bot of sex yeir auld or thairby quhilk presumptioun planelie declaris the falset at the lest fenzeines of the said pretendit instrument yit lyand in proces upon the productioun thairof of the dait foirsaid the said complener hes takine the said instrument and act of Court foirsaid as the samyn schavin and producit befoir the saids lords hes testifeit And yit neuertheles sic is the partialitie at the leist oursycht of the said George Gordoun pretendit Shref depute foirsaid that quhatsumewer fals or feinzeit instrument beis producit befoir him or probatioun for taking away of the said compleneris heretage or ony pairt thairof he will admit the samyn albeit the probabilitie of the falset thairof wer neuer sa manifest as this is and sua aucht nocht to be sufferit to proceid thairintill bayth in respect of the consanguinitie and affinitie foirsaid of our said Shreff principall his haill deputis and laik of members of Court to assist the said complener according to the equitie of his causs Bot our said Shref and his deputis aucht and suld be dischargit to proceid in the said cognitioun persewit agains the said complener be the said Wm Mengzeis quha nocht only oppressis him and his tennents bot alsua persewis him maist wrangouslie be the assistance of the haill Mengzeissis thair alyas and partakers Quhilk kind of inordinat dealing to the said complener and utheris thair nychtbours is sa frequently usit be thame that thai spair nocht maist crewellie to oppress thame quha may nocht resist the samyn without all feir of God or man yea and sic is thair insolencie sa grewin in our minoritie that sumtymes thai haif vilependit and lichtleit our avin utheris letters presentit to thame knavand perfytlie that thair is na clerks nor notars in thai pairtis that dar or will gif ony acts instruments or uther attestatioun in thair contrar for verefeing thairof as sum of our avin clerks maist trewlie hes recordit and can record and afferme In respect quhairof the said mater of cognitioun of the said compleneris heretage aucht and suld be aduocat to the saids lords of our counsall avin selfis and thai to proceid and ministrat justice thairintill as onlie Judges competent thairto and our said Shref and his deputis dischargit of all forther proceiding thairin and of thair offices on that pairt in tyme cuming for the caussis foirsaids as is allegit OUR WILL is heirfore and we charge you [as in other examples] Gevin under our Signet at Edinburgh the xix day of Junij and of our regne the sevinteine year 1584

II.

(Circa August 1584)

JAMES be the grace of God . . . . . Forsamekill as it is humlie menit and schavin to us be our louit Mr Wm Fraser of Techmurie That quhair Alexr Fraser of Phillorthe haiffand intentit and persewit ane actioun of cognitioun befoir our Shref of Abirdene and his deputis aganis the said complener and causit execute ane summonds thairanent for allegit molestatioun of him within the bounds of his pretendit methis and marchis of his lands of Ester Tyrie lyand nixt adiacent to the said compleners lands of Marno within our Shreffdome of Abirdene as at mair lenthe is contenit in the lybellit precept rasit at the said Alexanderis instance thairanent and to the effect that the said complener [? persewar] suld nocht be preferrit in probatioun he behuifit to rais and execute to that samyn day ane uther contra lybellit summonds of cognitioun befoir our Shref and his deputis aganis the said Alexr for the wrangous molestatioun and trublance of the said complener and his deputis within the proper methis and marchis of his saids lands of Marno and Techmurie lyand nixt adiacent to the saids lands of Tyrie within our Shrefdom foirsaid as the said lybellit summonds of cognitioun raisit and deulie execute at the said compleners instance thairanent beris, houping than that the said Shref and his deputis suld haif done equall justice in bayth the saids materis pari passu as thay aucht to haif done bot sense our said Shref principall and his deputis George Gordoun[1] portionar of Kindrocht bayth being neir of consanguinitie and affinitie respective to the said Alexr Fraser hes procedit sa partialie in his favours in the saids maters be devyding of proces in the saids actionis and gevin mair summar maner of proces to the said Alexr nor unto the said complener as is undervritine that he dar nocht hazard ony forder proces nor cognitioun to be takine in the said mater afoir our said Shref and his deputis seing thai ar werray suspect and can nocht be judges competent to the said complener in the said mater quha will nocht faill maist wrangouslie and partialie to proceid and gif decreit aganis him thairintill considdering our said Shref principall our rycht traist cousing George now Erle of Huntly directar of the saids pretendit precepts and without quhais aduyse directioun and command nane of his deputis wil nor dar proceid in ony actioun dependand afoir thame is neir attingent in consanguinitie to the said Alexr Fraser of Phillorthe within secund and third degreis viz umquhill Dame Elet [Elizabeth or Elspet] Keyth Countess of Huntlie our said rycht traist cousings guddame and umquhill Beatrix Keyth mother to the said Alexr persewar war sisteris germane and sua secund and third in consanguinity lyik as the said George Gordoun our Shref deputis and the said Alexr

1 Probably the same George Gordon as in the previous case but differently designed.

persewar ar thirds and feirds in affinitie viz umquhill Cathrene Barclay guddame to this laird of Phillorthe on the fathers syid was lauchtfull sister to umquhill George Barclay sumtyme young laird of Gartlie grandsyre to Gordoun now spous to George Gordoun our Shref deput foirsaid on the moder syid lyik as alsua our said Shref principall to quhais command all his deputis ar subiected and astrictit in all thair procedings and als his depute above mentionat hes declarit the saids consanguinitie and affinitie respective to the said Alexr Fraser to be effectual be thair partiall proceding in his favours in the saids actionis contrar the said complener in sa far as bayth the saids lybellit preceptis and proces thairof haiffing lyin ouer and slepit uncallit and lang tyme on houp of concord and thaireftir being walknit bayth to ane day than our said Shref assignit to the said complener the xv day of Junij last by past to gif in all his defenssis in the said mater aganis the said principall lybellit precept foirsaid persewit be the said Alexr aganis him bot wald nocht than gewe the lyik proces upon the said uther lybellit precept persewit be the said compleneris aganis him bot onlie assignit the xv day of Junij last was to the said Alexr Fraser to gif in all his defenssis contrair the said persewaris precept and summonds of walkning and nocht aganis his principall lybellit precept thairby fraudfully and partialie deuyding the said actioun persewit be the said complener in tua proces in effect intending that first the defenssis gevin in be the said Alexr aganis his walkning with ansueris maid thairto sall first byde ane interlocutour and proces and that eftir the said Alexr Fraser sall haif ane new terme assignit to him to gif in his defenssis aganis the said compleners principall lybellit precept foirsaid and in the meyntyme gevin proces to the said Alexr upon his said principall caus and lybellit precept foirsaid to the effect he may be preferrit in proces and probatioun maist wrangouslie as the proces will testifie quhen it beis produceit quhilk our said Shref nor his deputis nather Mr Alexr Fraser thair Clerk of Court being the said Alexr Fraseris freynd and of his surname will nocht gif out to the said complener to be instantlie schavin to the lords of our counsell quhill thai be compellit and thairfoir bayth the saids actionis of cognitioun aucht to be aduocat to the saids lords as onlie judges competent thairto befoir quhome thai may proceid pari passu as thai war intentit and our said Shref and his deputis dischargit of all forder proceding thairin for the caussis foirsaids as is alledgeit OUR WILL IS [here follow usual words of style summoning the laird of Phillorthe and the Sheriff to appear before the lords of council on 12th November and discharging them from all proceeding in the Sheriff Court until 20th November] Geven under our Signet at Edinburgh the xxij day of Julij and of our regne the xvij yeir 1584 yeirs

Ex deliberatione dominorum Consitii

Proceedings involving Questions as to Occupancy of Land

(29 July 1584)

The said day in the actione and caus persewyt be Maistres Margaret Gordone aganes Mr James Skene of Wastir Corss occupear of the lands of Kebaty be vertew of my Lord Shreffis precept of Abirdene Compeirit Mr Jhonne and Mr Williame Dauidsoun procuratours for the said Mrs Margaret personally present quha constitut thame hir procuratours and produceit my Lord Shrefis precept dewly execute and indorsatt to this [day] togidder with the sayd Maistres Margaretis Sesing of the landis contenit [in the libell] Ex aduerso Compeirit Robert Reid Shref in that pairt be vertew of our Souerane [Lordis letteris] produceit and red in iudgement . . . . . Off the quhilkis letteris the tenor followis JAMES be the grace of God King of Scottis To our louittis . . . . . Greting Forsamekill as it is humlie menit and schawin to us be our louittis Williame Lord Forbes Alexr Forbes in Craguihy Mr Thomas Burnet in Ordhill Duncan Fowlar Androw Brabner Mr James Skene Dauid Straquhyne Alexr Jaffray Alexr Lumisden of Tillykarne Jhonne Robertsone Willy Brabner Williame Young Patrik Fergus Dauid Reauche Patrie Robertsoun Jhonne Stevyne Williame Stevyne Alexr Scott Thome Dauidsoune Patrik Patre Straquhene Williame Forbes Williame Jhonnestoune Williame Burnet Jhonne Angus Johnne Ramsay Dauid Ramsay James Forbes of Corsinday and uthers occupears and tennentis of the said Williame Lord Forbes lands of Tolmadds Barelassy Kebatie Ardefork Sonnyhuny Drumlasie Tornavene Rannallache Cragquhy Newbigging Brumhill [name illegible] and uthers lyand within the parochin of Touche Cluny for thame selffis and in [name] of the remanent tennents and occupears thairoff liand within our Shrefdome of Abirdene That quhair our richt traist cusing George Erle of Huntlie Lord Gordoun and Badzenocht our Shreff principall of Abirdene etc hes direct [ane] precept at the instance of Mistres Margaret Gordoune his fader sister [now] spous to Jhonne Maister of Forbess to heir the saids compleners decernit to pey to hir the malis fermes and dewiteis of the saids lands yeirlie for the yeirs of God ane thousand fyf hundretht threscoir fourtene lxxv lxxvj lxxvij lxxviij lxxix lxxx lxxxi lxxxii lxxxiii lxxxiiij yeirs ay sen the decreit of the obtenit be the said Maister of Forbes aganes hir and in tyme cuming during hir lyftyme alledgeit pertening and awing to hir as pretendit coniunct fear or lyfrenter of the saids landis and for sundry uthers deuiteis and caussis as the precept beris in the quhilk actioun and caus our said Shreff and his depuittis will not faill maist partially and wilfullie to proceid aganes the saids compleners in the said mater thei beand na competent iudgeis to proceid thairintill considering the said Mistres Margarett Gordoun is neir of consanguinitie to our said

Shreff principall viz his awyn fader sister and his depuittis dois no thing in ony actione persewit afoir thame bot as he commandis thame and sua in effect wil be bayth iudge and pairtie to the saids compleners in the sayd mater be ressoune quhairof the samyn aucht to be aduocatt to the lordis of our counsell and thei to proceid thairintill as onlie judgeis competent thairto and forder it is of verity that the said Williame Lord Forbes his haill kynne and freinds tenantis and inhabitantis of his proper lands ar exemit fra our said Shreff principall of Abirdene his office and iurisdictioun with all actiones concerning the saids compleners and the samen ordinit to proceid befoir the saids lords selffis as only iudgeis competent thairto as the saids Lords decreit of executioun schawyn to thame dois testifie quhilk aucht to be extendit in favours of the saids compleners beand tennents and inhabitantis of the said Williame Lord Forbes lands in respect off a feid standand betuixt Gordoun and Forbes and that the saidis compleners can nocht haue resort nor haue fair acces to our burght of Abirdene without conuocatioun of thair freinds upoun thair awyn gard quhairupoun gryit inconuenience mey follou and ensew and albeit we haue pronunceit decreit Arbitrall upoun sundrie articlis and conditionis to haif bene fulfillit betuixt the hous of Huntlie and Forbes for reconciliatioune of the deidlie feid betuixt thame Neuirtheles the samen as yit hes tane [nane] effect nor na perfyit reconciliatioune follouit thairupoun as is notourly knawyn in respect quhairoff our sayd Shreff and his depuittis aucht and suld be simpliciter dischargeit of all forder proceding in the said mater and off thair offices in that pairt and the samen aduocatit to the saids lords selffis and they to proceid thairintill as only iudgeis competent thairto for the caussis forsaids continit in thair said decreit of executioun as is alledgeit OUR WILL is heirfoir and we charge yow that ye lauchfully summound warne and charge the said Maistres Margarett Gordoun purchesser of the said pretendit precept our said Shreff of Abirdene and his depuittis directars thairoff to compeir befoir us and our counsell at Edinburgh or quhair is sall happin us to be for the tyme the tuelt day of Nouember nix to cum [here follow usual words of style discharging the Sheriff and his deputes from proceeding until 24th November following] Giffyne undir our Signet at Edinburgh the xxiij day of July and of regne the xvij yeir 1584 EX ADVERSO the said Maistres Margarett with hir procuratours forsaids acceptand the saidis letters and coppeis in quantum and in speciall anent the ingiffing thairoff for Williame Lord Forbes and superadding in the coppeis diuers personis and in speciall the lands lyand within the perrochyn of Kyncardyne without ony warrand of the Kingis Letteris and protestand for actione sic as is competent of the law aganes the officer compering for the Kingis Maiesteis rebell and adhering thairto sayis that haiffing consideratioun of the saids letters onlie mentioning the landis lyand within the perrochinis of Touche and Cluny

the same can na wayes tak away the lands continit in the persewars precept liand within the perrochyn of Mydmar quhilk is distinct from bayth the saids perrochinis as alsua the saids letters of aduocatione aucht na wayes to be ressauit in favours off the producear in respect of his usurpatione off the Kingis autority be superadding off substantiall circumstances nocht continit in the principall letters bot aucht to haue present process aganes the tennentis duelling within the perroche of Midmar ANSOURIT for the officer that he hes usit the chairge off the saidis letteris and executioun thairoff for the personis thairin continit and in sa far as my Lord Forbes is mentionet in the letteris pass fra him and haulds him pro deleto and hes usit his chairges iustly for the remanent tennentis continit in the saids letteris As to the secund of the alledgeance the samen suld be repellit in respect of the letteris produceit beirand in speciall the haill lands continit in the persewaris summondis liand wythin the Shrefdome of Abirdene and in caice the coppy beir ony super additione to the principall letteris pass from the samen as nocht being necessar the principall letteris berand the haill lands and tennentis names in particular contenit in the persewars summonds and that the samyn is wythin the Shrefdome of Abirdene REPLYET that the same is laitt eftir the acceptatioun and can na wayes purge the offence [here the entry ends, never having been completed.]

Miscellaneous

I.

(24 June 1584)

The said day in presens of the Shreff forsaid [David Menzeis, burgess of Aberdeen] Judicialie in propir persone compeirit Alexr Lesly sone to umquhile Andro Lesly Youngar of Balquharne exponit that during his les age and minoritie that he haid burdenit him selff with diuerss unthriftie and unprofitabill burdenis to his enorme hurt and skaith and now understanding be the preuilege of law introducit in favours of minors it lauchfull to him to reuok all deidis done to his enorme hurt during his les aige now at his minoritie thairfor the said Alexander reuokit and in sa far as wes possabill to him cassit and annullit all thingis done be him directlie or be his tutours or curatours to his enorme lesioun and in speciall but preuidice of the generalitie forsaid ane tak and assedatioun maid to Mr Thomas Lesly burgess of Abirdene of ane half net of the raik on the vatter of Dee within the fredome of Abirdene ane assedatioun maid to Alexr Burnet of the lands of Balquharne lyand in the paroche of and Shrefdome of Abirdene protestand

solempmtlie for restitutioun [in] integrum according to the law and actioun thairanent in all pointis to the quhilk the Shreff interponit his auctoritie in quantum de jure

II.

(25 June 1584)

The said day compeirit Mr Robert Gardin of Ballemoir and grantit and confessit him ressauit realie and with effect fra Patrik Gordoun of Lettirfowry aucht bollis victuell half meill half malt with ane pek to ilk boll of the samyn for the quhilk victuell the said Mr Robert band and obleist him his airis executours and assignais To refund content and pay the said Patrik the sowme of saxtene pounds usuell money of Scotland betuix the day and dait heirof and the fest of Bartholl day nixt to cum and failzeing of payment of the said victuell at the forsaid day iij libs for ilk boll thairof to be payit at the fest of Mertimes nixt thaireftir under the panis of poinding and horning Befoir thir vitnesses Johne Gordoun of Scottistoun Dauid Gunnar and Thomas Bruce

The Court Books

CURIA . . . [23 June 1584] per honorabiles viros Dominum Patricium Gordoun de Auchindoun militem Georgium Gordoun Valterum Lowsone burgenses de Abirdene et Joannem Abirnathy Vicecomites deputatos . . coniunctim et diuisim

THE said day in the actioun and caus of transferring persewit be Gilbert Blak freman of Abirdene aganis Robert Philp in Newburgh in the terme assignit to do forder diligence Compeirit the defender and producit ane summonds dewlie execute and indorsate aganis Johne Lesly of Balquhane Mr Gilbert Bissat Elizabeth Forbes relict of umquhill Williame Bruce Ex aduerso compeirit the persewar and protestit quod cedat pro termino quo ad alia producenda and for circumductioun of the terme and that na diligence be grantit aganes na uthir persone except the persone of the laird of Balquhane and that according to the tennour of the last act maid the saxt day of this instant and that na diligence aganis the said Johne be nocht haldin lauchfull because thair is na uthir done bot sic as wes done abefoir The said Robert desyrit proces aganis the saids Mr Gilbert and Isobell and the said Mr Gilbert compeirand and denyit the haiffing of the saids buikis . . . . And the Shreff assignit lammes ewin nixt to cum to the defendar to do forder diligence aganis the said laird of Balquhane . . . . .

(Eo. die)

The said day the Shreff ordanit ane charge and executioun to be gevin to James Lesly[1] for exhibitioun of the Shreff buikis

(31 July 1584)

The sayd day in the actioun and caus of transferring . . . . . anent the exhibitione of the Shref buikis and extracting of the actis as the samen beris Compeirit the defender and produceit ane summondis deulye execut and indorsatt aganes George Lesly Jhonne Lesly and Williame Duguid quhilk diligence the Shref fand insufficient and the terme circumduceit As alsua the defender produceit ane chairge of my lord Shrefis deulie execut and indorsatt aganes James Lesly burges of Abirdene for exhibitioun and demonstratioun of the saids Shreff buikis according the ordinance maid thairanent In respect of the quhilk my Lord Shreff[2] forsayd ordanit the defendars produceing of the said chairge to chairge the said James Lesly be letters to be purchessit be delyuerance of the lords of Counsell for the effect forsaid aganes Wednisday nixt eftir the heid Michelmes court nixtocum . . . . .

(7 October 1584)

The said day . . . . . Compeirit the defendar and . . . . . produceit our Souerane lords letters deuly execute and indorsat to this day aganis James Lesly burges of Abirdene for exhibitioun of the Shref buiks for satisfeing of the desyir of the last act . . . . . And the Shref[3] assignis Andirsmes evin to do forder diligence be vertew of our Souerane lords letters according to the tennour of the former letters and this present act the producear protestand in caice the present danger of pest continew ony langer for a new day of diligence

(30 November 1584)

The said day . . . . . Compeirit the said Robert [Philp] be Mr Jon and Patrick Cheynes his procuratours . . . . . allegis that all actionis and sute to be maid be persones on the Northe syid of the Watter of Forthe is continewit to the xxij day of Januar nixt cumis be ressoun of the present pest continewand yit as abefoir quhairthrow the said Robert can nocht obtene his former letters of diligence to be callit befoir the lordis befoir the calling of the quhilk thai will grant na utheris letters of diligence . . . . .

1 A James Leslie acted as a Sheriff depute under William Leslie of Balquhain in January 1564-5.

2 George Gordoun and David Mengzes were on the bench on this occasion.

3 Lord Huntly on the bench with a number of others.

The Diet Books: Vol. V., 1595-6

This volume, which covers exactly a year, is complete as it came from the writer's hand, and its appearance proves that the statement on the title page as to the penmanship is a true one. The inscription runs thus:—"The Sref Court Buik of Aberdene Begune at the entres of Maister Williame Reid to be Sref Clark xxv June 1595 All wretin withe the hand of Gilbert Thomesone Burges of Aberdene."

The style of the writing points to the entries having been made, not perhaps actually in Court at the Clerk's table, but very soon afterwards; and the occurrence of a few signatures in the volume confirm that view. There are some 260 pages in the book and about twice as many separate entries, some cases being of course repeatedly noticed. An effort has been made to embrace in the subjoined table every separate proceeding, while at the same time avoiding unnecessary repetition. The volume of business was considerable. Thus on 1st October, 1595, there were 15 cases on the roll, while on 23rd January and 16th February, 1595-6, there were 23 and 19 respectively. Acts of Caution for the loosing of arrestments bulk largely for the first time in this diet book.

The forfeiture of the Earl of Huntlie in 1594, following upon his participation in the rising of the Popish Lords, had at this time deprived him of his heritable Sheriffships, and in Aberdeenshire the place was filled by John Leslie, 10th Baron of Balquhain, who having succeeded in turning out of office Mr Alexander Fraser, who had been Sheriff Clerk under Lord Huntly, got Mr. William Reid appointed in his place.

Mr. Alexander Fraser's account of this transaction, bearing as it does upon the custody of the books of Court and the probable fate of some of those which are now missing, may be given here. It is taken from the proceedings of the Privy Council at their sitting at Falkland, on 14 August, 1595.[1]

Complaint of Mr. Alexander Fraser, sheriff-clerk of Abirdene, as follows:—Having been lawfully provided to the said office during his lifetime by George, sometime Earl of Huntlie, sheriff principal of the said shire, and the late Sir Patrik Gordoun of Auchindoun, his depute

1 Reg. Privy Council V., p. 229.

for the time, with the King's confirmation and disposition to him of the same, he has been in the peaceable possession of his clerkship for fourteen years preceding the date of the forfeiture of the said Earl, and also during the time that Johnne Leslie of Balquhan, now sheriff-depute of the said shire, has occupied that charge. In which service the complainer . . . . . has never been troubled, till of late the said Johnne, "mynding to prefer sum of his awne servandis to the said complenaris office and to disposses him thairof, and yit finding na direct or lauchfull meane to cum to his intent, nor na just caus of reproche to lay to the said complenaris charge," had "divisit thairfoir be policie and craft to circumvene him." To this effect, he had borrowed many of the register books from the complainer, of purpose, as he alleged, to see some letters concerning himself; "and, haveing the buikis in his handis, quhilkis he still detenis, he burdynnit the said complenair to subscryve certane injunctionis tending altogidder to his prejudice and hasard of his honnestie. . . . . And upoun the xxv day of Junij last, being ane ordinair courte day, the said Johnne sitting in jugement, and the same complenair occupying his awne charge, the said Johnne finding the tyme then propir to cum to his intent, he first begouth to quarrell and accuse the said complenair . . . . . and desirit the said complener to delyver unto thame his principall minute-buke, quhairin he wes then writting; quhilk being refusit be him, in respect of his panefull travellis tane in the writting thairof, and that be that buik he behuifit to be answerable for his bipast service, the said Johnne thairfoir patt violent handis in him, and shamefullie dang him upoun the face and removit him furth of the tolbuith, and placeit the saidis personis[1] in the actuall possessioun of his office, and swa wrangouslie dispossest him thairof without ony lauchfull [excuse?] or cognition preceding."

1 Messrs. John Leith and William Reid.

Table of Contents of Vol. V. of Diet Books

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595. June 25.	Removing, Action of. *(Compare entry on 29th May, 1596.)*	Alexr. Litster, burgess of Abd. *v.* Alexr. Hay of Delgatie principal tenant and Alexr. and Wm. Smithe, subtenants.	Toun and landis of Tersethill in the parish of Logie Buchan and Barony of Slains. Sasine dated 6 Augt. 1584. Notary Mr. John Robartsoune. Defences were ordered to be lodged on 30 June; but none being lodged on that day, Decree was pronounced.
	Loosing of Arrestment.	Gilbert Fraser of Wattertoune *v.* John Johnestoun of that Ilk and John Johnestoun of Corsshill.	"The peitts turvis fewaill faill clodis and dovatis cassin . . . . in the landis of Mekle Clintertie." John Johnstoun in Corsshill bound himself to relieve the cautioner Henrie Forbes of Newhills.
27.	Removing, Decree of.	George Erle Marschell *v.* Edward Fraser.	Lands of Torvechie. Sasine dated day of 158 . Notary Mr. Alexr. Fraser.
	Removing, Decree of.	John Forbes of Petsligo with consent of his Curators *v.* Michell Ogstoune occupiar of Fisherbrigis and Alexr. Forbes of Fingask and Duncan Forbes apparent of Bythnie for their interest, James Forbes brother to the said Alexr. Forbes as donator to Fisherbrigis, also Anten Gordoun, Wm. Findlater, Andrew Mitchell, Wm. Rynd, John Sangster, Patrick Reid, John Smithe alias Bothie, Andrew Gordoun, Andrew Bruntschaw, Andrew Straithe, Thomas Lindsaye, John Castell, Edward Downy and Wm. Robertsoune all Crofters apparently in Dobishill.	The only place names given are Fischerbrigis and Dobishill. The Curators were George Erle Marschell, Alexr. Stratoun of Lowrenstoun, Robert Arbuthnot of that Ilk and Mr. James Keyth of Drumtochtie. Sasine dated 13 Feby. 1593. Notary Mr. Andrew Clerk Sheriff Clerk depute.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595. June 28.	Removing, Action of.	Wm. Crawfurd of Annochie *v.* John Glennie.	Continued to 1st July when Alexr. Hay of Ardmakhornes became cautioner for violent profits.
	Removing, Action of.	John Ross of Auchlossin *v.* Margaret Irving relict of Wm. Gordoun in Carnbadie.	Part of the lands of Auchinbawdie in Lumphanan. Sasine dated 10 Novr. 1572. Notary Mr. John Bagray. After defences were lodged and various continuations, decree was pronounced on 12 July, in respect that defender refused to find caution for violent profits.
	Removing, Decree of.	James Mowat *v.* Alexr. and John Davie in Milntoun of Cultis and Tillichareoch, John Harrowar in Easter Cultis, Robt. Cordiner in Middle Cultis.	The pursuer is designed as son and heir of Magnus Mowat in Cowie (or Colbie) who had the gift of the liferent and escheat of Alexander Chalmer of Cults, dated 3 Febry. 1590.
	Removing, Decree of.	John Leithe, apparent of Harthill *v.* Patrick Maynie.	Part of Auldtoun of Bonnytoun in the parish of Rayne. Sasine dated 18 May 1594.
	Removing, Decree of.	James Chalmer *v.* John and William Yuill.	Parts of Easter Tyrie in the Barony of Phillorth. Sasine dated 1 June 1592. Notary Sir David Brodie.
	Removing, Action of.	Margaret Rolland widow of Martin Howsoune and wife of James Setoun *v.* Richard Troupt, Agnes Hay Relict of James Galloway and Andrew Burges her husband.	Parts of the lands of Glasterberrie in the parish of Peterculter, of which the pursuer had the liferent. Sasine dated 12 Novr. 1561. Notary Mr. John Kennedie. The summons was passed from against Troupt, pro loco et tempore, and decree was pronounced against the others of consent on 8 July.
30.	Removing, Decree of.	William Leisk of that Ilk *v.* Gawane Cruikschank.	Toun and lands of Auchleuchry in the parish of Cruden and Barony of Slains. A dilatory defence had been stated and proof allowed; but the defender did not find caution for violent profits and decree went against him.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595. June 30.	Removing, Decree of.	Charles Chalmer of Tillikirie *v.* Wm. Chalmer son and heir of Mr. Wm. Chalmer portioner of Wester Disblair, John Chalmer of Balbithan his tutor, and John Abirnethie, Andrew Chalmer and John Thomesoune their tenants.	Subjects in Wester Disblair in the Regality of Lundoris.
	Act of Caution.	Wm. Gray, Baillie burgess of Aberdeen.	To enter Gilbert Inglis, "wricht burges" before the Sheriff on six days warning under the penalty of £100.
	Removing, Decree of.	Patrick Mowat of Baquhollie *v.* tenants.	No lands specified.
July 2.	Caution for loosing of Arrestment.	Patk. Cheyne of Essilmonthe *v.* Waltir Grig.	Robert Young, Chirurgeon becomes cautioner that Grig's goods and geir shall be forthcoming.
3.	Removing, Decree of.	George Knowis, burgess of Abd. *v.* Mr. Micheall Fraser and Gabriell Stalker in Auld Abd. and John Ardbekie in the Spittell.	"Alevin bolls beir sawing of the Northe barsched of the hospitall callit the hospitall of Sanct Petir." As also certain houses and yards in the Spittell. Sasine 8 March 1580. Notary Hew Hervy.
4.	Removing, Decree of.	William Forbes of Corsindeye and Curators *v.* John Urie of Petfichie, Andrew Reid alias Tailzeour and Alexr. Leslie his tenants and servitors.	The Moss of Bovah, Balvah or Balvak, in the parish of Monymusk. The curators were John Mortymer of Cragyver, James Mortimer fear thairof, John Forbes of Pofluge and Alexr. Forbes burges of Abd. who had been appointed on 21 April 1592. Sasine 20 Novr. 1593. Notary Mr. Alexr. Fraser, Sheriff Clerk. After considerable pleading the pursuers obtained decree. An exact description of the situation of the moss is given.
5.	Removing, Decree of.	Alexr. Irving of Drum *v.* John and George Harrowar.	The pursuer was liferenter of the lands of "Kirktoun of Tarlane" and others. Sasine 19 May 1588.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Re: Gestæ.*
1595. July 12.	Caution for loosing of Arrestment.	Arthur Seton r. John Auchmithie.	Walter Leslie burges of Abd. becomes cautioner that "the cornes in the barne yard of Sauchok" shall be forthcoming.
13.	Caution for loosing of Arrestment.	The laird of Frendraucht r. tenants of Lessendrum.	Alexr. Abirnithie of Lessendrum becomes cautioner that the "pertis" arrested by Frendraucht "cassin within the mosses of Begnicll Stanyfeild Mukalie and Drumdolocht" shall be forthcoming.
14.	Removing, Action of.	Wm. Forbes of Bairnis r. Wm. Forbes in Milntown of Bairnis.	The sunny half of the Mill and Mill Lands of Bairnis.
15.	Removing, Decree of.	George Gordoun, Fear of Gicht r. Margaret King, relict of James Cantlie.	Meikill Arrocht in the Barony of Schewes held in lease by Gicht. The Pursuer founded on an Assedation, but no particulars are given.
16.	Removing, Action of.	Wm. Forbes of Corsindaye and his Curators r. Wm. Forbes of Monymusk, Wm. Merser in Tombeg, Henry Matthewscoe, James Patersone, James Gellane, John Gellis, John Gellane, Thomas Taiche, Wm. Farquhar, George Main, all in Monymusk, James Richie in Smidyhillock, Wm. Robertsoune in Tillaquhourie.	Another action about the Moss of Balvak, the pleadings in which will be found among the Illustrative Examples.
18.	Caution for loosing arrestments.	Elizabeth Cheyne, Lady Carmuk and James Kennedy of Carmuk her son r. Mr. John Heriot and Henry Leisk r. Wm. Leisk, Elder.	Peats in the moss at Ellon. Wm. Leisk younger fear of that Ilk cautioner for Mr. John Heriot. Peats in the moss of Balschanssie. Wm. Leisk younger cautioner for Wm. Leisk, elder.
19.	Caution, loosing of arrestment.	Alex. Tullidef, burgess of Abd. r. John Mylne in Cheppelioone of Essilmonthe and his tenants.	Peats in the moss of Carnhill. Matthew Guild, armorar, cautioner.
21.	Appointment of Sheriff Clerks.		John Leslie, notary public, and Mr. William Reid appointed conjunctly and severally.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595. July 21.	Removing, Decree of.	Alexr. Leslie son to the late Alexr. Leslie of Dyce *v.* George Leithe in Rothmuriell, John Leslie of Tempill, Alexr. Catnee in Rothmuriell.	The fourth part Lands of Rothmuriell in the parish of Cryistis Kirk. Sasine 13 August 1574. Notary Sir William Thomsoun.
	Caution for loosing arrestment.	Barrel Innes in Auld Aberdeen *v.* James Donald in Monycabok.	Peats in moss of Hew Hervie cautioner.
21.	Spuilzie, Action of.	Andrew Meldrum of Rothybirsben *v.* George Meldrum of Drumbrek.	No particulars given. Defender did not appear.
22.	Removing, Decree of.	Gilbert Gray, burgess of Abd. *v.* Thomas Dauidsone, Wm. Chopman, Wm. Fute, John Angous, Patrick Fute, Wm. Fute younger, John Blak, Thomas Phinnie, Alexr. Chopman, Meriore Fynne his wife, Nicoll Meluill.	Parts of Kirktoun of Bathelnie in the Barony of Meldrum. Sasine 11 April 1586. Notary Mr. Alex. Barroun.
	Caution, Loosing of arrestments.	Donald Urquhart *v.* Wm. Geret in Auld Garnastoune and Wm. Brig.	Duncane Forbes of Byithe cautioner for both Geret and Brig that their goods shall be forthcoming.
23.	Removing, Action of.	Walter Wode apparent of Fettircairn *v.* Alexr. Setoun in Arechuand, Wm. Malleis at the Kirk of Balhelvie, John Clerk there and Mr. George Setoun for his interest.	No particulars of Sasine which is said to have been produced, except that it was "Cristane Frasris seising."
	Caution, Loosing of arrestment.	John Gordoun of Crabstone *v.* Henry Forbes and his tenants.	Peats in the moss of Newhills and Chalmerlains myris. John Forbes of Pofluge cautioner.
	Caution, Loosing of arrestment.	The Burgh of Abd. and Henry Forbes *v.* Gordon of Crabistoune.	Peats in the "moss of Crabstoune utherweyis callit the Chalmerlains myris." Cautioner Mr. Thomas Menzeis of Ferrihill.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595. July 23.	Caution, Loosing of arrestment.	John Setoun of Meldrum and Alexr. Lord Urquhart *v.* George Meldrum of Ardfork.	Peats on the South east side of Ardiquhilleis. Cautioner Barrell Innes in Auld Abd. For loosing of a cross arrestment John Setoun became cautioner on 31 July.
28.	Removing, Action of.	John Lesly, burgess of Aberdeen *v.* Lowrance Drummond and Isobell Hay in Auld Aberdeen.	Subjects not specified. Sasine March 1594. Notary James Davidson.
31.	Removing, Action of.	Agnes Fraser, Lady New Forrest *v.* Andrew Smithe.	Subjects not mentioned. Defences repelled.
	Removing, Decree of.	Patrick Cheyne of Essilmounthe *v.* Walter Grig.	Mill and mill lands of Abirdour in the parish of Abirdour. Defender failed to find caution. This case was in Court before the commencement of the volume so the date of Cheyne's title does not appear. As appears from an entry on 2 July (supra p. 331) Grig's effects had been arrested by the laird.
	Removing, Decree of.	Alexr. Irving of Drum *v.* George Simsoune.	Four oxingang of the toun and lands of Tarlane.
	Nature of Action not disclosed.	Thomas McInnes *v.* James McGregour.	The Pursuer moved that the case be set down for the second day of the head Michaelmas Court for pronunciation of Interlocutor. The defender in the contrary protested for his expenses "In respect he was summondit to this day and nocht callit and nathing dependand to this day nor yit walknit be ane summonds seing the same hes sleipit be the space of half ane yeir sen the last dyet thairin."
	Removing, Decree of.	Kathering Fraser, relict of John Calder of Asloun *v.* Wm. Elmslie.	A croft of Findlatrie in the parish of Touche of which the pursuer was liferentrix.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595. July 31.	Removing, Action of.	Sir Wm. Keithe of Dalueis Knyt. *v.* Wm. Keithe in Altrie.	The Shadow third of Nether Altrie in the Parish of Deer. The Pursuer's title was a Lease from the Earl Marischal dated 6 August 1587 which was borrowed up by Alexr. Keythe of Kayrnes.
	Removing, Action of.	Margaret Reid, Ladie of Wattertoun *v.* James Findlay in Newburgh, Wm. Blak and Jherome Blak his son.	Certain houses, yards, &c., presumably in Newburgh belonging to the Pursuer as conjunct fiar and liferentrix. Her sasine was said to be already in the hands of the Clerk of Court.
	Removing, Decree of.	John Cheyne of Fortrie *v.* The Representatives of Patk. Gordoun in Smithistoun of Nothe.	Toun and lands of Quhythillok in the Barony of Auchindore.
	Eviction, Action of.	Alexr. Deuguid *v.* Agnes Ross widow of Wm. Deuguid of Auchinhuif.	The Pursuer produced a lease by the defender dated 22 June 1594.
	Removing, Decree of.	John Leslie *v.* Alex. Cruikshank.	Part of Logieauldtoun in the parish of Auchterless.
	Spuilzie, Decree of.	John Cok *v.* Wm. Maitland in Methlik.	A quantity of grain and meal belonging to Pursuer taken from the yard of Mr. John Merser, Minister at Methlik from whom the pursuer had bought it. Great oats with fodder 4 lib. p. boll. Dried corn from great oats 5 marks p. boll. Meal 7 marks p. boll.
	Removing, Decree of.	John Robartsoune and Alexr. Ewyne burgesses of Abd. *v.* Andrew Meldrum and Patrick Fraser.	The shadow half of the Miln and Miln lands of Miln of Creichie in the parish of Fyvie belonging equally to the pursuers, whose Sasine was dated 4 April 1594. Notary James Davidsoun.
	Removing, Decree of.	Robert Irving of Murthill *v.* Tenants.	(1) Wast-toune and Rannahorie in Tarlane. Sasine 20 April 1576. Notary Mr. Wm. Andersoun. (2) Parts of Allathyne, Muttounbray and Pyktilhim in parish of Deir. Sasine 23 Sept. 1573. Notary Sir David Setoun.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595. Augt. 6.	Verbal Bond.	John Leslie of Duncanstoune to John Straquhan of Tibbertie.	The debtor appeared in Court and in presence of the Sheriff depute, his son and the Sheriff Clerk depute—the last two being said to be witnesses to the transaction—acknowledged to have received and bound himself to repay 1000 marks before 8 August under pain of poinding and horning on a three days' charge.
8.	Caution, Loosing of arrestment.	John Chartours of Kynphaunis and Alex. Gordoun of Aberzeldie *v.* John Lord Forbes and Arthur Forbes of Sonahonie and their tenants.	Peats cast by the Forbes tenants in the Hill of Fair in 1595. Cautioner Alex. Jaffray, Baillie of Abd. whom Arthur Forbes bound himself to relieve.
16.	Warrandice, Decree of.	Wm. Thomesoune in Rothna and his son James *v.* James Innes in the Bogis.	Wm. Thomesoune bought a black mare from Innes at the latter's place for 16 marks in December 1594. William sold it to his son James, who took it to St. Sairs market, where it was challenged by Andrew Crichtone, baillie to the Laird of Frendraught, who took the animal and imprisoned James in the place of Frendraught as a thief. Father and son now obtain a Decree against Innes to warrant them safe and to repay the 16 marks with £6 of modified expenses.
18.	Caution, Loosing of Arrestment.	John Saunders, Cordiner *v.* Wm. Fergoussoun in Auld Abd.	The arrestment had been laid on the "guds geir and certane beir within the yeard besyd the Cunie hous." The cautioner was Thomas Fergoussoun burgess of Abd.
23.	Caution, Loosing of Arrestment.	Patrick Hepburne *v.* Walter Grig.	Corns cattle goods and geir. John Grig in Fraserburgh was cautioner.
26.	Caution, Loosing of Arrestment.	Barrell Innes *v.* William Forbes of Logie.	Peats, &c. in Moss of Logie. Cautioner Alex. Forbes of Auchintoull.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595. Augt. 30.	Caution, Loosing of Arrestment.	David Baxter *v.* Alexr. Smyth in the Hill.	This appears from an earlier entry to have had reference to an action of spuilzie in which Baxter is designed as servitor to Mr. Robert Irving of Moncuffer. Alexr. Chalmer of Cultis was cautioner.
Septr. 6.	Caution, Loosing of Arrestment.	Wm. Knowis of Logyruif *v.* Gilbert Findlaye in Ardlathin.	Goods and geir. Cautioner Wm. Keyth of Ludquharne.
	Caution, Loosing of Arrestment.	Paull Menzeis *v.* Robert and Gilbert Simsones and Thomas and James Herveis.	Peats &c. in the hill of Drumnagar. Cautioner David Menzeis.
20.	Caution, Loosing of Arrestment.	Patrick Gardyn and Alexr. Setoun of Auchinhuif *v.* John Gordoune of Crabstoune.	Corns, beir and oats sown within the bounds of Bellit Crag, Measones Meadow and Gallie Moss belonging to Gordoune. John Gordoun, burgess of Aberdeen was cautioner.
22.	Caution, Loosing of Arrestment.	Mr. Robt. Leslie of Auld Crag *v.* Andrew Meldrum apparent of Jaxtoune.	Crop shorn and unshorn on Kirktoun of Daviot. Cautioner George Meldrum son of John Meldrum of Jaxtoune.
28.	Caution, Loosing of Arrestment.	Alexr. Burnat of Craigour *v.* Alexr. Burnat of Leyis and Wm. Foddringhame.	Crop, stocking and plenishing belonging to Leyis and Foddringhame. Cautioner Baillie Alexr. Jaffray.
29.	Caution, Loosing of Arrestment.	George Gordoun Fear of Geycht and others *v.* Alexr. and James Buchans.	Crop, stocking and plenishing on Middilhill. Cautioner Alexr. Cheyne in Auchry.
30.	Caution, Loosing of Arrestment.	James Kennedie of Carmuk and his curators *v.* Alexr. Annand of Auchterellone.	Crop, &c. Cautioner Henry Annand of Milltoun of Drumbrek.
	Head Court. List of Absents.		Sentence of Fine on absent Barons. Mr. George Bissat, the Mair of Fee, with consent of "My Lord Shref" dismisses one of the Mair deputes from office on account of his absence, and signs the entry.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595. Septr. 30.	List of Jury on Inquests.	Robert Spens of Cultis. John Leslie of Largie. John Robertsoun Junior, burgess of Abd. William Robertsoun Junior, do. Hugh Hervie do. Arthur Davidsoun do. Gilbert Gray do. Gilbert Dune do. Alexander Patersoune do. William Mar do. John Tullidaff do. Thomas Donaldsoune do. Alexander Burnat do. Alexr. Cheyne of Auchry. Mr. William Leslie of Warthill. Gilbert Orume of Carnday. Mr. Walter Oggilvie of Langmure.	
	Special Service.	John Wode grandson of William Wode.	Mill and Mill toun of Fintray, with multures and knaveships as fully specified, reserving the dry multure to the Abbot and Convent of Lundoris. Formerly held of Lundoris now of the Crown, for payment of £7. 5. 8 at Pentecost and Martinmas, and various payments in kind. In non entry 15 years and one month.
	Special Service.	Mr. Robert Maitland of Monletie son of James Maitland.	The third part of the West town and lands of Cairngall in the Barony of Kellie. Old value 13/4. Present value 4 marks. Held blench of John Arbuthnot of Cairngall as Assignee of John Gordoun of Petlurg. In non entry since death of James Maitland in April 1591.
	Special Service.	Gilbert Gray, burgess of Abd., son of Gilbert Gray, burgess.	Half of an Annual rent of five marks from the lands of Udnie. Value 33/4 per annum. Held blench of the Laird of Udnie. In non entry 14 years, predecessor having died in November 1581.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595. Septr. 30.	Special Service.	George Leslie son of Margaret Leslie and her husband Alexr. Leslie.	Third part of the lands of Brigend and houses and buildings with privilege of brewing, in Regality of . Held of William Leslie of Wardres for payment of 1d. yearly at Pentecost if asked. Old value £3 per annum. Margaret Leslie died in September 1594. Alexr. Anderson, probably her second husband, had a life-rent, which was reserved.
	General Service.	The said George Leslie to the said Margt. Leslie.	
	Special Service.	Alexr. Gordoun son of George Gordoun of Tulloche, burgess of Abd.	Town and Lands of Litill Gowill with salmon fishing on the Don with Miln &c., &c. Also the town and lands of Swailend. Little Gowill, &c. held of George Sincler of May for annual feuduty of £10. Swailend held blench of William Innes of Swailend for payment of 1d. Old and present value of Gowill &c. £10. Old value of Swailend 10/- Present value 40/- Predecessor died on 8 October, 1594.
	Removing, Decree of.	Mr. Robt. Chalmer portioner of Tulligrig *v.* Agnes Herwie widow of Andrew Crilow and wife of James Wod.	Shadow third part of the North half of Tulligrig. Sasine 31 Decr. 1575. Notary Mr. Wm. Setoun.
Octr. 1.	Removing, Decree of.	John Forbes of Petsligo *v.* James Forbes.	The town and lands of Fischerbrigis (*Supra* p. 329). The defender is designed as brother to Alexr. Forbes of Fingask.
	Removing, Action of.	Alexr. Innes of Pettie *v.* John Richie.	The town and lands of Tempiltoun of Auchterles. This case and most of the others on the roll this day were continued to the "Alhallow" or "Hallow" Court.
9.	Loosing of Arrestment.	Magnus Mowat Apparent of Baquhollie *v.* Alexr. Annand of Auchterellone.	Whole effects and rents, &c. Cautioner Alexr. Leslie burgess of Abd.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595. Octr. 9.	List of Jury on Inquest.	Thomas Burnet of Clunie. Gilbert Orume of Carndey. Robert Hog. John Leang. John Collisoun. George Knowis. John Banerman. Mr. Robert Chalmer. David Menzeis Junior. Thomas Donaldsoun. Patrick Forbes. Patrick Huntar. Arthur Davidsoun. James Banerman. Robert Forbes. burgesses of Abd.	
	Special Service.	George Bannerman of Wattertoune brother of Patrick Bannerman.	A quarter of Litill Auchmacoy in the parish of Logie. Old value 2 marks. Present value 4 marks. Held of the Crown for service of ward and relief. Predecessor died on 4 Novr., 1571. Inde in nonentry 23 years and 11 months.
18.	Loosing of Arrestment.	Jonet Abirnethie widow of Robt. Gordoun of Halheid *v.* John Lumsden of Cushnie and John Merteyne.	Growing crop upon the Scheilfeild. Cautioner Alexr. Mortimer in Abd.
24.	Loosing of Arrestment.	The Crown, the Fiscal and James Lealy, burgess of Abd. *v.* Alexr. and Andrew Stewynis baxters burgesses of Abd.	All their effects. Cautioner Gilbert Stewyne, Baxter.
	Loosing of Arrestment.	The Crown, the Fiscal and Andrew Robertsoun *v.* David Andersoun alias Walker and James Andersoun his son in Milhill.	All their goods and gear. Cautioner Henry Patrie burgess of Abd.
31.	Obligation for payment of money.	Andrew Hervie flesher in Abd. To David Findley in Kylmuk.	The sum of 10 marks upon a charge of six days under the pains of poinding and horning.
	Removing, Action of.	Paul Menzeis of Kirkhill *v.* Duncan Russall in Gilcomestoune.	Shaddow four oxingang of Gilcomstone. Sasine dated 6 June 1594. Notary Walter Robertsone.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595. Novr. 20.	Decree of Transumpt.	John Leslie of Balquhane *v.* Thomas Bruce in Wodtoune.	The action was for exhibition of the Protocol Book of the late William Bruce, Notary public, designed as "sumtyme Shref Clerk of Abd." in order that an authentic copy might be taken from it of an Instrument of the Lands and Barony of Boquhane and others in favor of the said John Leslie dated 9 and 10 Novr. 1573. This was authorized by the Sheriffs depute after evidence had been led; but the Instrument was not copied into the Diet Book.
10.	Discharge and Redemption. *(This and the four following entries are entered out of date in the Diet Book.)*	Adam Wat at the Milne of Logydurnoche to John Leslie of Balquhane.	1000 merks lent over the New Mylne of Logydurnoche and pertinents, which are declared to be redeemed.
11.	Ratification.	Elspet Spens spouse of Norman Leslie in Sandistoune.	Of Renunciation and Redemption by her husband of the Shadow plough of Petoie in favour of John Leslie of Balquhane, dated 20 May 1594.
	Discharge and Redemption.	Norman Leslie, burgess of Abd. now in Sandistoun to the Laird of Balquhane.	£1000 lent over the Nethertoune of Knokinblewis, which is declared to be redeemed.
	Discharge and Redemption.	John Leithe of Luesk to Balquhane.	4000 merks lent over the Kirktoun of Logydurnoche and Ailhouse croft thereof.
	Obligation of Relief.	Norman Leslie as principal, Sir Thomas Gordoune of Cluny and John Gordoune of Glenbucheat cautioners to Balquhane.	It seems that Norman Leslie had been at the horn and that the sisters of the late James Earl of Moray, as having the gift of his escheit and liferent had used arrestment in Balquhane's hands. In spite of this Balquhane had repaid to Norman Leslie the £1000 above mentioned. The obligation here put on the books was to keep him safe. The deed was signed at Aberdeen on 11 Novr., among the witnesses being Robert Keyth of Benholme, Mr. Thomas Leslie, burgess of Abd., and Mr. Wm. Reid, who was the writer of it.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595. Novr 20.	Loosing of Arrestment.	John Touche, burgess of Abd. and Margaret Clerk *v.* James Clark.	Goods and gear, and specially fourteen score marks in the hands of Martin Clerk in Auld Abd. The cautioner was Andrew Donald in Bonytoune.
	Loosing of Arrestment.	John Forbes of Echt *v.* Barthol Leslie at Milne of Dyce.	Corn crop. Cautioner Mr. William Leslie of Warthill.
	List of Jury on Inquests.	Alexander Forbes. James Robertsoun. Walter Collisoun. John Leang. Robert Forbes Senior. Andrew Tullidaf. Andrew Gaw. David Lindsey. John Sanderis. Gilbert Dune. Thomas Phynnie. Thomas Gray. Patrick Gray Senior. Walter Ronaldsoun. burgesses of Abd. William Cruikschank in Cotteun.	
	Tutory.	Marjory Steuart, daughter of James Steuart of Rannalauchie.	Wm. Steuart, uncle of the pupil, is appointed, for whom Alexr. Forbes, burgess of Aberdeen, becomes cautioner.
	General Service.	Marjory Steuart to her father.	
	General Service.	Marjory Steuart to her brother George.	
Decr. 11.	Loosing of Arrestment.	David, Bishop of Abd. *v.* Bartholl Leslie.	Corns beir and oats in the yard at Tulligrig. Cautioner George Elphingstoun burgess of Aberdeen.
12.	Loosing of Arrestment.	Procurator Fiscal *v.* John Sanderis.	Goods and geir. Cautioner Robert Sanders, Couper, who was also surety that John should appear to take his trial on 30 December.
	Loosing of Arrestment.	Mr. Thomas Leslie, burgess of Abd. *v.* George Strauquhan burgess of Abd.	Goods gear and merchandise. Cautioner Alexr. Rutherford burgess of Abd.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595. Decr. 18.	List of Jury on Trial.	Barrel Gib in Schedochisley. John Kennedy there. Alexr. Ronaldsone there. Wm. Burnat in Newhills. David Sted there. Andrew Robertsoun there. Duncan Matthowsoun there. John Howat there. Abraham Robertsoun there. Thomas Norvell there. Gilbert Abirdour in Garden. John Galloway in Auchlie. Robert Norie in Cayrnie. James Germst there and John Galloway there.	
	Manslaughter and Forstalling.	Procurator Fiscal *v.* Alexr. Thome in Kirktoun of Skene.	Acquittal by Jury.
	Caution or Bail (charge not specified).	Thomas Findlay.	Robert Arthour of Kingiswallis is cautioner for entry of accused on 20 Decr. under pain of xl lib to underly the law "for sic things as sal be laid to his charge." Private prosecutors bound over under pain of xxx lib to pursue.
	Caution or Bail and also for loosing arrestment.	The Crown and Pror. Fiscal *v.* John Galloway.	Andrew Burges becomes cautioner for entry of Galloway on 3 January and also for loosing arrestment.
20.	Spuilzie, Decree of.	John Richie at the Kirk of Auchterles *v.* George Gordoun of Dilpersie and Wm. Lamb in Ovir Rothy.	Two cows one with calf, and 22 wedders. Price of each wedder 40/- Price of each of the cows overhead £10. Excrescent profits of the cows 10 marks. Modified expenses of action £10.
	Act of Caution for dues of an Entry.	The Crown *v.* John Wod.	Wm. Robertsoun elder in the Gallowgait is security for giving Wod entry and Sasine of the Mill of Fintray and for "peyment to the said Shref of the seising ox."
	Spuilzie, Decree of.	Andrew Miln in Haltoun of Balhelveis *v.* John Bayne in Estir Ardoche.	Five ewes and five lambs. Price of each ewe 40/-, of each lamb 16/- Excrescent profits of each ewe 10/- Expenses of process 11 marks.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595-6. Jany. 3.	Loosing of Arrestment.	Laird of Cragiver *v.* Robertsoune in Corss.	Cautioner John Forbes of Poflug.
	List of Jury on Inquests.	John Philp of Johnestoune. John Crag in New Flinder. John Gordoun in Drymmeis. William Andersone in Bonytoune. James Gordoun of Tulliangous. Norman Leslie in Malingsyde. John Cruikshank of Tullimorgyne. William Cruikshank Apparent of Tullimorgyne. William Lindsay in Bredfurde of Auchlevin. Patrick Leslie in Cheppiltoune. John Walker in Auld Leslie. William Leang in Drumgowan. William Johnestoune in Innerourie. George Leang, burgess of Abirdene. William Wallace do. Mr. Robert Elphingstoun Tutor of Glak. George Elphingstoun burgess of Abirdene.	
	General Service.	Andrew Leslie of New Leslie, nephew of Michael Leslie in Lytill Warthill.	
	General Service.	Alexr. Leslie in Innerourie brother of William Leslie, burgess of Innerourie.	
	Special Service. *(Inquisitiones Speciales No. 563. Also Ant. A. & B. I. 126-7.)*	The said Alexr. Leslie brother of William Leslie.	The half of the Shadow half Lands of Barrauche in Bourty, 1½ Roods in Inverurie and also the subjects called the "Castelhill and Castelyairds" of Inverurie.
	Transumpt, Decree of.	George Erle Marschell.	Various title deeds of Seaton and of salmon fishings on Nether Don. The Deeds are specified but not copied in the Diet Book.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595-6. Jany. 13.	Head Court. List of Absents.		
	List of Jury on Inquests.	Magnus Mowat apparent of Baquhollie. Alexander Wod of Colpnay. Alexander Spence of Boddume. William Turing of Foverne. Thomas Fraser of Duris. John Straquhan of Tibbertie. William Irving apparent of Murthill. James Gordoun of Barrak. Alexander Leslie of Balquharne. Andrew Knokis of that ilk. Alexander Chalmer of Balnacrag. Alexander Cheyne of Auchry. John Ross of Auchlossin. John Straquhan burgess of Abirdene. Oliver Udnie do. Andrew Tullidaf do. John Tullidaf do.	
	Service. Terce.	Elizabeth Forbes widow of Alexr. Forbes, Fiar of Tollie.	Terce of Sonnahard, Balnabothe, Culquhache Descorie, Eister Corrihoul and half Forrest of Corgarff belonging to it. Auldgarf, Wester Corrihoul and half Forrest of Corgarff belonging to it. Over Kinbethok Rippaquhie and Croft Mureell, Culfork and Cowfurd.
	Special Service. *(Inquisitiones Speciales No. 564.)*	Alexr. Tullidaff, grandson of Alexr. Tullidaf.	Lands of Raneistoune in the Barony of Tullidaff. Predecessor died in August 1584.
	Special Service.	Alexr. Tullidaff son of Andrew Tullidaff.	Lands of Mostoun in Barony of Tullidaff. Old value 20/- Present value £4. Predecessor died in the end of March, 1595.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595-6. Jany. 13.	Removing, Action of.	Robert Dempster son of Thomas Dempster of Auchterless *v.* John Crag elder and younger in Knokleyth.	The Pursuer's title was a lease from his father dated 1 Jany. 1594. The laird of Frendraucht claimed to be and was admitted for his interest, but after various procedure decree of removing was pronounced on 23 April 1596.
	Spuilzie, Action of.	Mr. John Merser, Minister at Methlik *v.* Wm. Joffray in Kirkhill.	A diet of proof. Subject matter not stated. Decree passed in absence on 28 Jany.
	Rents, Action for.	Christian Fraser, widow of Alexr. Setoun fiar of Meldrum and wife of Alexr. Forbes of Fingask *v.* A number of tenants on Meldrum.	The Pursuer's Sasine was dated 3 May 1595. Notary Mr. Andrew Clerk. This case was advocated on 28 Feby. following.
15.	Transferring, Action of.	Mr. Robt. Chalmer, burgess of Abd. *v.* Meriore Knows widow of Magnus Keyth portioner of Fynnersie, Gilbert Keyth his son and heir and his tutors and curators and Mr. Gilbert Keithe in Auchquhorsk and Andrew Leyth in Auchernie, Executors or universal intromitters with his estate.	This action appears first in this diet book on 25 June 1595 when Magnus Keyth was still alive. His defences were then repelled. Witnesses were examined on 31 July, the Defender being still Keyth; but on October 31 the widow and others were called. At the present sitting there was no appearance for them, and they were held as confessed.
16.	Delivery, Decree of.	Alexr. Cheyne in Auchrie *v.* John Forbes in Watterecht.	Delivery of a horse.
	Removing, Decree of.	Andrew Forbes, Litster in Abd. *v.* Andrew Forbes Yr. in Abd. and James Nicolsoune.	Rudrestoune and salmon fishing on Dee with cobles, nets, &c. Sasine dated 18 March 1594. Notary John Leslie.
31.	Procuratory for service.	Janet and Mettie Irvingis daughters of Robert Irving in the Lasts.	To be served to their grandfather and grandmother Alexr. Irving and Margaret Allardes in the Lands of Badinscoth and the Lasts.
	Protestation.	Gilbert and Colin Club and William Ratie.	These persons appear to answer to a charge of murder of Innes and protest because no one insists in the prosecution.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595-6. Jany. 31.	Tutory.	Hector and Adam Abircrummies.	Mr. George Abircrummie of Over Carden, Commissary of Aberdeen, takes oath de fideli and names cautioner.
	List of Jury on Inquest.	John Forbes of Poflug. Henry Forbes burgess of Abd. James Leslie do. Alexander Leslie of Balquharne. James Leslie in Brigend. Walter Leslie burgess of Abd. James Gordoun of Knokespack. Andrew Forbes burgess of Abd. John Forbes of Bairnis. Hugh Calder of Assuanlie. Alexander Forbes of Fingask. Thomas Forbes Senior burgess of Abd. Alexander Forbes, Baillie, Abd. Gilbert Orume of Carnday. James Forbes burgess of Abd.	
	General Service.	John Leslie son of Norman Leslie.	
	List of Jury on Inquests.	William Gordoun of Auchindoir. Patrick Gordoun of Auchmenzie. Mr. Alexander Gordoun Chancellor of Moray. George Gordoun of Cowclarauchie. William Gordoun of Balgowne. John Gordoun of Brekay. William Gordoun of Tulliangous. Andrew Leslie of New Leslie. John Leslie of Lairgie. Robert Spence of Greynhall. Thomas Cuming of Kilduthie. George Innes apparent of Newbiging. John Gordoun of Drymmeis. James Leslie burgess of Abirdein.	

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595-6. Jany. 31.	Special Service. *(Inquisitiones Speciales No. 565.)*	Hugh Calder, son of Robert Calder.	Lands of Ower Assuanlie and Carnagat, Nether Assuanlie, Eister Kinpark with half of Newbigging in Barony of Huntlie. Predecessor died in October 1594.
	Special Service. *(Ibid. No. 566.)*	Janet Irving granddaughter and heir portioner of Alexr. Irving.	The lands of Lastis in the Barony of Culter. Also the lands of Over and Nethir Contlayes and Robertsoun in warranty of the Lastis.
	Special Service.	Metilda alias Meatie Irving the other granddaughter and heir portioner of Alexr. Irving.	As above.
	General Service.	Janet Irving granddaughter and heir of Margaret Allirdes.	
	General Service.	Metilda alias Meatie Irving the other granddaughter.	
	List of Jury on Inquest.	James Fraser in Cowburtie. Walter Leslie. Thomas Forbes. George Elphingstoune. Alexander Forbes. Robert Keyth in Pettindrum. Simon Quhyt in Auchry. John Quhyt in Fraserisburghe. Alexander Ramsay in Auchry. James Clerk in Houssahill. William Bissat in Auchrynnie. James Chalmer at the Mill of Streichin. William Chalmer in Auchquhortie. William Torrie in Auchmeledie. John Youngsone there. James Torrie there. Gilbert Orum of Carneday.	burgesses of Abd.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595-6. Jany. 31.	Special Service. *(Inquisitiones Speciales No. 456.)*	Mr. William Quhyt, son of John Quhyt in Ardlahill.	The shadow two part town and lands of Cowburtie in the Barony of Phillorthe, held of Sir Alexr. Fraser of Phillorthe and Fraserburgh, for feuduty of £5.6.8 annually. Predecessor died in October 1590.
	Breach of Arrestment, Action of.	Mr. Wm. Barclay, Procurator Fiscal and Andrew Andersoun for his interest *v.* Andrew Barrie and others.	No places are named.
	Loosing of Arrestment.	Sir Alexr. Fraser of Fraserburgh *v.* Wm. Reid in Den-end.	Cautioner, Andrew Meldrum of Auchquhortie.
	Loosing of Arrestment.	Alexr. Forbes of Fingask *v.* Ogstoun.	Cautioner Magnus Ogstoun in Skilmane.
	Repair of Bridge of Don.	Majority of the Barons of the County.	Elect John Leslie of Balquhane, Alexr. Irving of Drum, William Forbes of Tolquhone, Sir James Creichtoun of Frendraucht, David Bishop of Aberdeen and Thomas Menzeis of Durne Provost of Aberdeen, as taxters to impose taxation to repair bridge.
	Election of Commissioners to Parliament.	Majority of Barons of the County.	John Leslie of Balquhane and Sir Alexr. Fraser of Fraserburgh were elected until Michaelmas 1596.
Feby. 5.	Loosing of Arrestment.	James Mernis in Tempilland *v.* George Gordoun of Terpersie.	Cautioner George Lamb in Rothne. An action of Spuilzie at the instance of Mernis against Gordoun and one Andrew Scott was in court at this time.
10.	Renunciation of possession.	Martin Clerk, Citiner in Auld Abd. and Robert Gray in Setoun.	Renounce in favor of George Erle Marschell and Dame Margaret Hume his wife, "the toun and landis of Bischopis Waird and Cuninghar in the parish of St. Machar.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595-6. Feby. 16.	Loosing of Arrestment.	Nicol Ross, Fear of Auchlossin *v.* Andrew Farquhar in Milntoun of Auchlossin.	Cautioner Charles Mar, burgess of Aberdeen.
	Tutory.	Hector and Adam Abircrummie.	This seems to supersede entry of 31 Jany. George Elphingstoune, burgess of Aberdeen is Cautioner.
	List of Jury on Inquest.	James Cheyne of Straloche. John Cruikshank of Tullimorgyne. John Lyoun of Comelege. Alexr. Cruikshank. Wm. Wallace. Jas. Steuart Senior. John Merser. David Car in Old Abd. Robt. Reid. Jas. Troup. Jas. Kennedy. George Allirdes in Brukells. John Paxtoun in Baddinscott. Mr. Thos. Gordoun at Mill of Bogne. Wm. Cheyne at Mill of Carnefechill.	burgesses of Aberdeen. burgesses of Aberdeen.
	Special Service.	John Leslie son of Norman Leslie in Beggishill.	Shadow part of the town and lands of Monelie called the Newtoun of Monalie in the Barony of Frendraucht. Old value 5/- Present value 20/- Normand Leslie died January 1588.
17.	Miln Multures, Action of.	Robt. Dempster son of Thomas Dempster of Auchterless *v.* Wm. Cruikschank of Fischerfurd. Andrew Murray there. Wm. Lamb in Reidhill. John Cruikschank in Brukills. George Allirdes in Bakihill. Wm. Cruikschank in Logyaltoune. Jas. Cruikschank there. Jas. Thomesoune there. David Rothnie Alexr. Young tenants of Halsiewalls.	The Pursuer produced an Assignation by his father dated 30 September 1587 and an extract of the heads of a contract between his father and Wm. Gordoun of dated 2 May 1587. The defenders did not appear and proof was allowed to the Pursuer.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595-6. Feby. 17.	Miln Multures, Action of. *continued.*	Agnes Cristall in Lenshanthe. John & Thomas Dempster in Knokleyth. John Craigs elder and younger there. Mr. Jas. Lindsey in Cushnie (?). Mr. Wm. Meldrum of Haltoun. Charles Symmer in Fluris. George Dempster in Ardley. Gilbert Bothe. Thos. Meldrum in Overbray.	
28.	Violent Profits, Action of.	James Kennedy of Carmuk with consent of his curators Mr. Patrick Cheyne, Advocate, Walter Cheyne of Arnage, Wm. Kennedy & Wm. Straquhan fear of Tibbertie *v.* Alexr. Annand of Auchterellon and others.	This case in which the Sheriff depute had put his interlocutor in writing on 31 July had been advocated to the Court of Session and remitted back by them for disposal. On this day the former interlocutor repelling the defences was pronounced. The entry in the Diet Book appears to be signed "Ballquhane"; but the genuineness of the signature is open to doubt.
March 4.	Nature of Action not disclosed.	Thomas Fraser of Duirs *v.* John Irving of Petmurchie, Andrew George, William Ettirschank, Thos. Cultis, Charles Scott, John Scott, John Beg, John Elmslie, and Mr. John Straquhan.	The Pursuer produced Sasine of the lands of Stranduf dated 20 September 1561. Notary Thomas Davidsoun.
	List of Jury on Inquests.	George Strachachin. Alex. Forbes. Alex. Mollisoun. Robert Chalmer. James Straquhan. James Davidsoun Senr. John Fergowsoun. Patrick Hunter. Andrew Brabner. James Kennedy. John Duncane. Wm. Thomsoune. John Sanderis. Andrew Barcar. Lawrence Mercer. all burgesses of Aberdeen.	

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595-6. March 10.	Service. Tutory.	Hector Abircrummie son of Alexr. Abircrummie of Petmedden.	Mr. George Abircrummie of Over Carden, Commissary of Aberdeen, served as nearest Agnate.
	Service. Tutory.	Adam Abircrummie brother of Hector.	Same as foregoing.
	General Service.	Robert Merschell brother of Archibald Merschell in Kindrocht.	
12.	Removing, Action of.	George Setoun of Auchinhuiff *v.* Christian Andersoune and Andrew Robertsoun her husband.	This case had been in Court for a considerable time. This entry contains the Pursuer's objections to a Decree Arbitral produced by the Defenders, which is stated to be, on various grounds, an improbative document.
	Loosing of Arrestment.	Jane Keyth, widow of Adam Gordoun in Wark *v.* Thomas Gordoun in Miln of Dyss, James Walker, reidar at Cushnie and Alexr. Lumisden in	Corn cattle and other goods and gear belonging to debtors. Cautioner Adam Gordoun in Pen? who subscribes.
	Removing, Decree of.	Andrew Forbes, Litster burges of Abd. *v.* James Nicolsoun.	Sunny half lands of Ruthrestoune in the Barony of Bairnis by annexation and parish of St. Machar.
19.	Recal of Procuratory.	Thomas Findley in Kingiswalls.	Recals procuratory to Mr. Arthur Watt and appoints Mr. William Anderson.
22.	List of Jury on Inquest.	John Johnestoun of that Ilk. James Gordoun of Haddoch. James Cheyne of Straloch. Wm. Udnie of that Ilk. Alexr. Wode of Colpney. John Forbes of Thornetoune. Mr. Francis Cheyne of Craigie. George Banerman of Watertoune. Robt. Johnestoune of Cremond. Mr. Robt. Irving of Moncuffer. Gilbert Menzeis of Petfoddells. Wm. Straquhan fiar of Tippertie. John Forbes of Poflug. John Straquhan of Tibbertie. Henry Forbes of Keppilhill.	

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1595-6. March 22.	Special Service. *(Inquisitiones Speciales No. 568.)*	Wm. Forbes son and heir of Wm. Forbes of Tolquhone.	Narrative of presentation of Brieve and Petition with two Sasines dated 9 Decr. 1549 and 16 Decr. 1536, the former in favour of the late Wm. Forbes, the latter in favour of the late Alexr. Forbes. Lands and Barony of Tolquhone, &c. Annual-rent of 20/- from Mill of Tifty. Old value £20. Present value £80. Ancestor died on 17 Febry. 1595.
25.	Loosing of Arrestments.	Robert Deugude of Auchinhuif *v.* Thos. Ray in Tullilair and John Ross in	Goods gear and debts of both arrested and each debtor caution for the other.
1596. Apl. 3.	Nature of Action not disclosed.	Andrew Leyth of Carnetradleyn *v.* Mr. Thos. Lumsden parson of Kinkell.	Defences lodged.
	Nature of Action not disclosed.	James Gordoun of Knokespack *v.* Tenants of Clatt and Towie (none named except John Robertson elder and younger in Towie).	Defenders complain that the Pursuer has not lodged his productions with the Clerk. Pursuer then produced a Decree of the Court of Session and copy of a Charter from the Bishop of Aberdeen, whereupon Defences were ordered on 21st.
	Nature of Action not disclosed.	George Ker of Benvells *v.* Alexr. Forbes of Fingask.	Pursuer stated that Defender had no status to defend because he was "ordourlie denuncit rebell and lying at the horne," and proved it by production of an Extract horning.
	Spuilzie, Action of.	John Lumsden of Cushnie *v.* Donald Roy, John Mackhardie, Wm. Moir McAllaster, Duncan Oig, John Moir McAllaster, Findlo McHardie, John McCory, Peter Mackcomie, John Roy Cristestoun.	Donald Roy and John McHardie in Bray of Mar confessed that they had bought ten sheep, which they were willing to give up to the true owner on proof of ownership. The Sheriff "protested for the King's part of the said geir," and the case was continued to give the defenders an opportunity of calling the persons from whom they had purchased the sheep; but after a number of formal continuations, the case disappears.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1596. Apl. 20.	List of Jury on Inquest.	Martin Howesoun. Thos. Forbes, Senior. Robert Forbes, Junior. David Lindsey. Andrew Schevas. Patrick Hunter. Mr. Patrick Skeyne. Lawrence Merser. John Merser. Wm. Lorymer. John Leang. Wm. Jak. George Leang. George Elphingstoun. Patrick Forbes, Senior. all burgesses of Aberdeen.	
	Special Service.	Patrick Forbes, son of George Forbes of Kynmuks.	Town and Lands of Kynmuks in the Regality of Lindores and Parish of Kinkell held for an annual feuduty of £21.9.2. One year and 4 months in non entry.
	Caution or Bail.	Robert Arthour, burgess of Abd.	Mr. Richard Irving, burgess, is Cautioner to enter Arthour on the 15th May before the Lord Lieutenant or his depute to answer to the crimes contained in his Lordship's precept.
	Renunciation, Discharge and Transfer of farm stock.	Robert Watsoun in Carnadellie in Barony of Arnage.	Renounces Carnadellie in favor of Walter Cheyne of Arnage and transfers his whole stocking and effects to James Buchane in Ullaw of Esslmonthe in relief of his cautionary obligation for the rents of Carnadellie.
	Renunciation and Discharge.	Elspet Tullidaf widow of and wife of Gilbert Robertsoune in Coklay.	The lady and her husband renounce their possession of Coklay in favor of John Keyth of Ravynscrag. The pursuer was represented by Mr. Thomas Bissat, Minister at Peterhead.
	Loosing of Arrestment.	Alexr. Annand, younger of Auchterellone *v.* Wm. Philp in Litill Arnage and Jas. Annand in Auchterellone.	Each debtor cautioner for the other.
	List of Absents.		Sentence of Fine on absent Barons and discharge of absent Mair deputes.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1596. Apl. 21.	Loosing of Arrestment.	Wm. Leyth of Creychna-laid *v.* James Cheyne there.	Cautioner George Elphingstoun, Saddler, burgess of Aberdeen.
	Removing, Decree of.	James Leslie of Ardoyne *v.* Alexr. Thomsoune sometime there.	Defender having deserted "his tak" of three oxengait of the North plough of the North town of Ardoyne is ordained to re-enter and pay his rent, or failing his doing so, to remove.
	Edict of Curatory.	William Abircrummie.	Chooses Mr. George Abircrummie of Overcarden, Commissary of Aberdeen, for whom George Elphinstoun, Saddler, is Cautioner. The relatives on the father's and mother's side who were called were Mr. George, Mr. Walter and Robert Abircrummie, Alexr. Forbes of Gellane and Robert Forbes of Brux.
22.	Protest.	Patrick Andersone in Rothmais, Wm. Androw in Kintor, Thomas Mackie there and James Kellie in Brigailhous *v.* Allan Gordoun, officer.	Andersone and the others protest that having been cited by Gordoun they are there present to answer, but that as he is not, he ought to pay their expenses and be deprived of his office.
24.	Loosing of Arrestment.	Jeane Wod, widow of Wm. Setoun at the Mill of Balcarne *v.* Patrick Chessour.	The debtor's whole beir. Cautioner James King, burgess of Aberdeen.
27.	List of Jury on Inquest.	John Gordoun of Tullihilt. Robert Gordoun of Sauchok. John Gordoun in Fintrey. John Chalmer of Balbithane. Charles Chalmer of Tullikirie. Andrew Chalmer portioner of Wester Disblair. Gilbert Baird of Auchmedden. Alexr. Chalmer of Cultis. James Gordoun of Blakhillok. Thomas Cuming of Kilduthie. James Troup in Brunthill. Wm. Gray, burgess of Abd. Mr. Robert Chalmer, do. Patrick Hunter, do. Wm. Lorymer, do.	

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1596. Apl. 27.	Special Service.	George Baird, son of Andrew Baird of Wittinghill.	Lands of Auchquhache in the Barony of Fedderet and Lands of Wittinghill. Auchquhache, Old and new value £8. Wittinghill Old value 10/-, New value 40/- Auchquhache held of the laird of Fedderet for payment of a feuduty of £8. Wittinghill held blench of the heirs of Wm. Craufurd of Creiche then apparent of Fedderet and at the date of the service in the hands of Fraser, widow of Wm. Craufurd of Fedderet as conjunct fiar. The lands of Auchquhache in the hands of Margaret Mowat, widow of Andrew Baird, who died in April 1580.
29.	Admission of Mair Depute.	Alexr. Robertsoun.	Cautioner Abrahame Creichtoun.
May 4.	Loosing of Arrestment.	James Forbes in Turriff *v.* James Cocker in Newbray.	All the debtor's goods and geir. Cautioner Andrew Meldrum in Perk of Fyvie.
	Loosing of Arrestment.	Sir James Creichtoun of Frendraucht *v.* Wm. Elmslie, Henry Allirdess and William Skeyne all tenants of Darley.	All the debtors' "guids geir hors meiris nolt scheip cattel cornis insicht plenissing gold siluer cunzeit and uncunzeit debts contractis obligatiouns and utheris guids and geir." Cautioner Andrew Meldrum of Rothybirsbane.
8.	List of Jury on Inquest.	Alexr. Spens of Boddum. Wm. Leslie of Warthill. George Leslie of Hillbray. John Cruikshank of Tullmorgyne. John Leithe of Luesk. John Leyth of Quhythauche. Alexr. Leslie of Rathis of Dyce. Bartholemew Leslie in Feirnyweill. John Hammiltoun of Ardbegs. Wm. Cruikshank of Fisherfurde. James Spence in Inche. George Elphingstoune.	

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1596. May 8.	List of Jury on Inquest.—*Continued.*	John Robertsoun in Chepiltoune. Duncan Leslie burgess of Abd. John Lesly do. George Leang do. Wm. Wallace do.	
	Special Service.	John Leslie, grandson of Henry Leslie of Largie.	The lands of Largie in the Barony of Culsalmond. Old and new value 5 marks. Held in feu formerly of the Abbot of Lindores now of the Crown. In non entry 27 years.
15.	Nature of Action not disclosed: probably Removing.	Sir James Creichtoun of Frendraucht *v.* Tenants of Darley. (*Supra* 4 May, *Infra* 22 May.)	The Pursuer produced Instrument of Sasine dated 8 June 1593. Notary James Davidson. The mandate of Mr. William Anderson to appear for the tenants and for Andrew Meldrum their landlord was rejected as insufficient. The case was advocated on 22 May.
19.	Loosing of Arrestment.	Robert Myrden in Kippernahill *v.* Alexr. Bruce in Allathine.	In this case there was a written obligation, which was ordained to be registered in the "confessit Buiks of this Auditorie."
22.	Advocation.	Sir James Creichtoune of Frendraucht *v.* Tenants of Darley. (*Supra* 15 May.)	This is the case which was called on the 15th, when the Sheriff depute rejected the mandate produced by the defenders' procurator and admitted the case to the Pursuer's probation. Letters of Advocation were now presented.
	Loosing of Arrestment.	Alexr. Cuming of Culter *v.* John Alzenor in Over Contlaw.	Cautioner Robert Lourensoune, burgess of Aberdeen.
26.	Loosing of Arrestment.	Sir Alexr. Fraser of Phillorthe and another *v.* John Massie in Denend.	Cautioner George Setoun of Auchinhuif, who signs.
	Loosing of Arrestment.	John Erskyne, apparent of Balhaggartie *v.* Wm. Nicol in Drumdurnoche.	Cautioner John Gordone of Braka.
28.	Loosing of Arrestment.	Robt. Irving of Murthill *v.* John Gordoune of Drymmies.	Cautioner John Gordoun, Fear of Crag, who signs, as also does Gordoune of Drymmies.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1596. May 28.	Loosing of Arrestment.	John Fraser brother to the laird of Muchal *v.* Mr. Wm. Fraser of Clintertie.	Arrestment of the "Housses biggins tymber wark and toftis standand upone the lands of Litill Clintertie." Mr. Fraser signs obligation to relieve his Cautioner.
	Lawborrows.	John Gray in Rothmais *v.* John Paxton in Badinscothe.	Cautioner Wm. Meldrum of Badinscothe, who signs the entry. Penalty 500 marks.
	Loosing of Arrestment.	John Fraser and Thomas Fraser, brother to Andrew Fraser of Muchal *v.* Elizabeth Forbes and Walter Wod, apparent of Fettercarn her husband, Mr. James Forbes in Auchinclech and Wm. Fraser in Bogheads.	All their effects but specially 3000 marks in the hands of Alexr. Cullen, Alexr. Jaffray, Patrick Forbes son to the laird of Tolquhone, Wm. Alshioner and Robert Forbes younger.
	Lawborrows.	John Gray in Rothmais *v.* George Cruikshank at the Mill of Canden and John Cruikschank in Tullimorgyne.	Cautioner George Meldrum of Logyauldtoun who signs the entry. Penalty 500 marks.
29.	Loosing of Arrestment.	Mr. George Hervy of Ranishill *v.* James Drum in Ranishill.	Cautioner Alexr. Muir in Bannakettill. Whole goods and geir "timmer and housses in the Cottoun of Ranishill" were arrested.
	Appointment of Sheriff depute.		Mr. Wm. Leslie of Warthill appointed and took oath.
	Caution to re-enter on Capital Charges.	Robert Arthour. (Vide *Supra* 12 Decr.)	Being entered to this day he was ordained of new to find caution to enter again on 8 June to take trial "for certane capitall Crymes." The caution was to be 500 marks; but the name of the cautioner is not filled in.
	Caution on Charge of Assault and Mutilation.	Mr. James Leisk *v.* Andrew Reid of Collistoun.	Cautioner Mr. John Reid in Milntoun of Collistoun, who subscribed the entry, as does Andrew Reid. Amount of Caution £100.
	Loosing of Arrestment.	Andrew Lesly of New Lesly *v.* John Wod in Tempilland of Auld Leslie.	Cautioner Patrick Leslie of that ilk, who signs.

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Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1596. May 29.	Loosing of Arrestment.	Katherine Mortymer and Midiltoune of Kilhill her husband *v.* John Merser in Kincorthe.	Cautioner John Lumsden of Cushnie, whom Alexr. Calder of Asloun binds himself to relieve, and both sign.
	Discharge of Wadset and Renunciation. *(Compare entry on 25 June 1595, p. 329).*	Alexr. Litstar, burgess of Abd. and Elspet Annand his wife.	In favor of Alexr. Hay of Delgatie son and heir of the late Wm. Hay of Delgatie. The loan was 1000 marks, which was paid over by the hands of Abrahame Forbes of Blaktoun. Elspet Annand ratifies the discharge outwith the presence of her husband. Lands of Tersethill.
31.	Renunciation of possession.	Gilbert Bog, the tenant.	Of the Quarter Lands of Knoquharne in favor of John Forbes of Poflug.
June 7.	Removing, Decree of.	Elet Menzeis liferentrix and John Forbes, burgess of Abd. her husband *v.* Wm. Patersoune the tenant.	Half of the Milne and Milne lands of Tofthills, otherwise the Nethir Daache of Kintor in the parish of Kintor. Sasine 11 January 1565. The Defender consented to Decree.
8.	Removing, Action of.	Claris Leithe widow of Patk. Gordoun of Sauchin *v.* Wm. Gordoun of Sauchin and others.	Sasine dated 18 October 1587. Notary Mr. John Gray.
	Removing, Decree of.	John Forbes of Echt *v.* James Alshonar and Bessie Straquhan the tenants.	Defenders decerned of consent to remove from Tilliquhowdie in the parish of Echt.
	Removing, Decree of.	Mr. George Bissat of Petmukstoune *v.* Richard Quhyt alias Fleschour, John Straquhan younger, John Straquhan elder, Madie Grig, Jonat Hucheon, John Sharp and Margaret Forbes.	Tofts, crofts, houses, and yards at Outseats of Petmukstoune. Sasine dated 13 Septr. 1588. Notary Mr. Alexr. Fraser, Sheriff Clerk.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1596. June 9.	Multures, Action for.	Andrew Keyth of Carnetradlen *v.* Ronald Chessour, Janet Chalmer, Gilbert Ronaldsone her spouse, Katherine Cushnie, Patrick Moir her spouse, Alexr. Chessour, John Abbell, Alexr. Abell, James Chessour.	The Pursuer produced lease by Dame Annas Keyth Countess of Argyle and others to James Keyth son of Andrew Keyth of Ravinscraig, dated 20 Feby. 1584 with a ratification on the back of it, and an extract from the Books of Council of an Assignation dated 7 Octr. 1589.
10.	Removing, Decree of.	Alexr. Leith of Mongarrie *v.* Christian Greyne the relict of Andrew Clerk in Foulislie, the testamentary executor, and Patrick & Isobel Clerk the children of the late John Clerk in Colphornie.	The Pursuer was tacksman of eight oxingang of the lands of Colphornie in the parish of Tullinessill.
	Removing, Decree of.	John Leyth, Fiar of Mongarie *v.* John & Alexr. Crysteis each occupying 4 oxingang of Foulislie.	The Pursuer as heritable proprietor of Foulislie in Tullinessill takes decree.
	Procuratory.	Wm. Forbes of Tolquhone.	Appoints Messrs. John Cheyne Patrick Cheyne and Robert Paip, Advocates, his procurators in all his actions and causes within the realme.
	Breaking of Arrestment, Action of.	The Procurator Fiscal and Sir James Creichtoun *v.* Wm. Elmslie and others the tenants of Darley. (*Supra* 4, 15 & 22 May.)	At this diet "The Shref ordanis the defender be Mr. Wm. Andersone his pror. at the bar to condiscend upone the tyme of the forfaltrie of the Erle Huntlie the xi. day of this instant."
11.	The same.	The same.	The entry here bears "Compeirit Paip and Andersone prors. for the defenders and condiscendit as is writin upone the proces." On the 12th all the Defences were repelled and proof allowed, but no further entry is found.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1596. June 11.	Removing, Decree of.	Thomas Johnestone, burgess of Abd. *v.* Wm. Wilsone in Suttetoune, Wm. Cultis in the North syde of Middil Disblair, John Cultis in Auldtoune of Middil Disblair, and John Clerk in Middiltoun of Disblair.	Suttetoune, Middle Disblair, etc., in Fintray. One Sasine dated 3 March 1590. Another dated 20 Octr. 1589. Notary Mr. Andrew Clerk.
	Submission.	Wm. Androw in Kintor and John Androw his son and Wm. Gordon in Glen. Thos. Sherar elder. Thos. Sherar younger. Wm. Youngsone and Gilbert Duff.	"All actionis querrells questionis of debaits" between the parties and especially the actions depending in the Sheriff Court about "pricit cornis." The arbiters chosen by the first parties were Diones (? Dionysius) Chalmer in Kintor, and Mr. Wm. Fraser of Clintertie, and by the second parties Alexr. Leslie in Rathis and John Blakhall in Stanywode. The parties appeared in Court and entered into this reference without previous writing. They consented to execution to enforce implement on a ten days' charge.
12.	Removing, Decree of.	Patrick Wod *v.* Andrew Cruikshank, Andrew Robertsone, Robert Robertsone, Alexr. Davidsone.	The Pursuer was principal tacksman of Ogstoune in the parish of Ruthven and Earldom of Huntlie, his title being a lease by Lord Huntlie to Mr. Francis Hepburn, who in turn sublet to him.
14.	Removing, Action of.	Margaret Gordoun, Lady Clunie *v.* Nicol Ross, apparent of Auchlossin and Robert Burnat in Drumneochie.	Lands of Birsemoir and Birsebeg. Decree against Ross. Sasine dated 24 August 1581. Decree against other Defender on 23 June.
	Removing, Action of.	James Forbes of Fechil *v.* John Hay, James Hay and Henry Leisk.	The middle third, east third and west third parts of Fechill. Sasine dated 9 March 1581. Notary Mr. William Reid.

[redacted]

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1596. June 23.	List of Jury on Inquest.	Alexr. Thomesone in Ythie. Michael Ogstoun in Keak. Mr. George Bodye, burgess of Abd. Simon Will do. Michael Craik in Blairmormond. Alexr. Fraser in Quhyitsyde. John Myln in Denend. Gilbert Cock at Mill of Inverchumrie. Thomas Hay in Cortycrome. John Keyth at Mill of Adan. Wm. Gib, burgess of Abd. John Charles in Haltoun. Alexr. Hay in Cortycrom. Matthew Guild, burgess of Abd. John Birnie in Cowbortie. Gilbert Dune, burgess of Abd. John Duncan do.	
	Special Service.	George Ogstoune, son of Elizabeth Murray.	The lands of Auchmacludie in the Barony of Petsligo held of John Forbes of Petsligo for feuduty of £4. In non entry since death of predecessor on 17 March.
	General Service.	The same.	
	Removing, Action of.	John Arbuthnot of Cairngall *v.* Wm. Crowden.	Part of Cairngall in the parish of Peterugie. Sasine dated 25 May 1591.
	Removing, Decree of.	Mr. Michael Fraser of Techmurie *v.* John Tailzeour.	The browster croft of Ardglassie in the parish of Rathen. The pursuer's title was a gift of non-entry.
	Removing, Decree of.	Henry, Lord Sinclair *v.* Jonet Waus at Mill of Newburgh, George Ranye, Thomas Broun, Andrew Austean, Thomas Troup and John Wobster.	Parts of the Bank Fauld, the Nethir Hauche and Megatislaw being pendicles of Mekill Haddoch in the Barony of Newburghe.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1596. June 24.	Renunciation Discharge and Ratification.	The wife of Thomas Boyd in Kincardine O'Neil to Wm. Strauchauchin of Clune.	"Ane croft of land of Kyncardin O Neil callit the parsones croft" fully described in the entry.

Illustrative Examples taken from Diet Book, Vol. V.

Proceedings involving Questions as to Occupancy of Land

(16 July 1595)

THE said day in the Actioune and Caus of Removing movit and perseuit be William Forbes of Corsindaye and his Curatours aganes William Forbes of Monymusk [other defenders as in Table of Contents] pretendit tennents and occupears of the Moss of Bowak perteining to the said Wm Forbes of Monymusk [? Corsindaye] for the wrangous and violent occupatioun of the saidis lands sen the feist and terme of Witsonday last bypast Compeirit the perseuer with Mr Alexr Irving his procuratour and as procuratour for his curatours be vertew of ane speciale mandat subscriuit with his curatours hands of the dait the third day of July 1595 and producit my Lord Shreffis precept aganes the saids defenders for removing fra the said moss And for instructing thairof producit the perseuers warning and Instrument of Seising of the Lands of Balvak under the subscriptioun of Mr Alexr Fraser Noter publict conteining ane ratificatioun of the Seising gewin be James Murray with ane Act of Curatorie and according thairto desyrit proces Ex aduerso Compeirit Mr Androw Clerk and Gilbert Thomesone procuratours for the defenders be vertew of ane mandat producit and acceptit the haill productis in quantum and in speciall the Seising producit under the subscriptioun of Mr Alexr Fraser writtin on paper of the dait the tuentie day of Nouember 1593 and protestit that the perseuer be nocht hard to produce ony forder for instructing of the sumonds and warning nor is alredie producit and in sa far as the same is nocht sufficientlie instructit protestit for absoluitour And under that protestatioun naweyis admittand my Lord Shref nor his deputs competent to cognosce in the said caus desyrit ane day to give in thair haill defenssis qualifiet in wreit And the Shreff assignit the xxviij day of July instant to that effect [etc.]

(28 July 1595)

THE said day . . . . . Compeirit Mr Andrew Clark and Gilbert Thomsone procuratouris for the defenderis and presentit certane defencis in wreit with ane copie of ane sumonds of suspentioune and executiouns exeameand the defenderis fra the Shreffis jurisdictioune under protestatioune according thairto nawayis admitand the Shref nor his deputs competent to cognosce in the said caus And the Shreff assignit to Mr Alexr Irving procuratour for the perseuer the last of July instant to reply thairto [etc.]

Aberdeenshire Sheriff Court:

(31 July 1595)

THE said day in the actioune and caus of Removing . . . . Compeirit the persewar to produce the saids replyis with ane instrument of Saising of the landis libellit under the signe and subscriptioun of James Murray notar publict Schirref clark deput of the Shrefdome of Abd of the dait the xx day of Nouember the yeir of God j^{m}v^{c} four scoir and thirtein yeiris Togidder with ane proces led befor the Commissar of Abd giwin under the subscriptione of Mr Thomas Gardyne Commissar Clark of Abd and according thairto desyrit forder process and interloquitour to be pronuncit thairin literatorie Ex aduerso Compeirit Mr Androw Clark procuratour for the defendaris and producit our Soverane Lordis letters discharging Jhone Lesly of Bolquhane and his deputtis frome proceiding in quhatsumeuir causs aganis the defendar and his tenentis and seruands in ony actioune concerning thame execut aganis the principall Shref at his dualling place of Fettirneir upone the tuentie sewint day of May the yeir of God j^{m}v^{c} four scoir and fywe [? fifteen] yeiris OF the quhilks letters the said Mr Androw procuratour forsaid instantlie delyuerit ane copy to the Shref judiciallie and dischargit him in sa far as the letters beiris and conforme to the tenour thairof in all poynttis and no utherwayis and intimeis the former charge giwin to the principall Shref to the Shref deput presentlie sittand according to the executione one the bak of the saidis letters at the least the said Mr Androw as messinger intimeit the letters and executiounes thairof forsaidis and forder desyrit ane new day to gif in defenssis in wreit aganis the wreittis presentlie producit this day be the persewar in respect thai war neuir producit abefor in ony dyet of the causs And the persewaris acceptit the pretendit letters with the executiounes thairof in quantum and speciallie acceptit the executioune thairof in quantum nocht beand interlynit nor merginit and the day of the discharge of the sumounds being bot to the auchteine day of Julij last bypast and no executioune nor discharge of the saidis letters usit befor this day and sua the executioun can nocht be lauchtfull in respect the day is bypast It is ansurit be the procuratour of the defendar that the Shref being aneis dischargit is ay dischargit quhill the letters of exemptioune be discussit and protestit aganis the Shref in caice he proceid

(No farther trace.)

Verbal Bond in Court

(At Abd the sext of August 1595 yeirs)

The said day in presens of Mr Thomas Leslie Shreff Deput of Abd Compeirit Johne Leslie of Duncanestoune and grantit and confessit him of his awin proper confessione to haue ressauit reallie and with effect in

freyndlie borrowing at the making of thir presents and abefoir respectiue fra the hands and be delyuerance of Johne Straquhan of Tibbertie all and haill the sowme of ane thowsand merks usuall monie of Scotland quhairof he held him weill contentit satisfeit and presantlie peyit and dischargeit the said Johne his airis executours and assignais thairof for euir Quhilk soume of ane thousand merks monie forsaid the said John Leslie become actit and band and oblegit him faythfullie his airis executours and assignais to pey and compleitlie delyuer to the said Johne Straquhan his airis executours or assignais altogidder and att anes betuixt the dait heirof and the aucht day of August instant but forder delay fraud or gyill under the panes of poynding and horning the ane but preuidice of the uther to pas upone ane single charge of thrie dayes To the quhilk the Shreff deput forsaid interponit his auctoritie and moneist the said Johne Leslie to observe and keip the heids and contents of the act aboue specifeit under the panes forsaids befor thir witnessis Gilbert Leslie sone to the said Mr Thomas Leslie and Gilbert Thomesoune burges of Abd

Sederunt of a Head Court and List of Absent Barons, &c.

(Head Michealmes Court 1595)

Curia vicecomitatus de Abirdene tenta in pretorio eiusdem ultimo die mensis Septembris anno Domini millesimo quingentesimo nonagesimo quinto per honorabiles viros Joannem Leslie de Balquhane vicecomitem de Abd Magistrum Thomam Leslie

The said day Johne Chalmer of Balnacrage enterit Alexander Chalmer Messinger Suttour for him

Absentes

D de Erroll	D.p.	D de Perk de Cremound	D.p.et.s.
D de Forbes	D.p.et.s.	D de Awden	D.p.et.s.
D de Elphingstoun	D.p.et.s.	D de Arnage	D.p.
Ep de Abdonen	D.p.et.s.	D de Tulligownie	D.p.et.s.
Ab de Abirbrothok	D.p.et.s.	D de Schewes	D.p.et.s.
Prior de Monymusk	D.p.et.s.	D de Cunzie et Pet-	
D de Altrie	D.p.et.s.	quhansie	D.p.et.s.
M Sancti Trinitatis	D.p.et.s.	D de Mekill Drum-	
Rector de Kincardin	D.p.et.s.	quhendill	D.p.et.s.
D de Fedderet	D.p.	D de Drumbrek	D.p.et.s.
D de Balquhollie	D.s.	D de Auchmacoy	D.p.
D de Touchis Innes	D.p.et.s.	D de Newtoun Schewes	D.p.et.s.
D de Foverne	D.p.et.s.	D de Wattertoun	D.p.et.s.

D de Udnie D.p.et.s.
D de Creiches, Gordoun Leyth Innes D.p.et.s.
D de Erskeyne D.p.et.s.
D de Essilmonthe D.p.et.s.
D de Creichnalaid Leyth D.p.et.s.
D de Schethin D.p.et.s.
D de Lenturk D.p.et.s.
D de Sancler D.p.
D de Allathen D.p.et.s.
D de Iden D.p.et.s.
D de Barcley D.p.et.s.
D de Brodland Ratrey D.p.et.s.
D de Vaus Birnes D.p.et.s.
D de Maynie D.p.et.s.
D de Mekill Meythlik D.p.et.s.
D de Curtestoun Glammes D.p.et.s.
D de Fuddes D.p.et.s.
D de Gask D.p.et.s.
D de Cokclaurauchie D.p.et.s.
D de Lessindrum D.p.et.s.
D de Petsligo D.p.et.s.
D de Auchterellone D.p.et.s. pnt
D de Auchterles D.p.et.s.
D de Delgatie D.p.et.s.
D de Frendraucht D.p.et.s.
D de Fyvie D.p.et.s.
D de Meldrum D.p.et.s.
D de Beltie D.p.et.s.
D de Sonahard D.p.et.s.
D de Auchinhuif D.p.et.s.
D de Petfoddells D.p.
D de Cushnie D.p.et.s.
D de Johnstoun D.p.et.s.
D de Drum D.p.
D de Auchlossin D.p.et.s.
D de Tullihaikie D.p.
D de Craigour D.p.et.s.
D de Echt D.p.et.s.
D de Kennerty D.p.et.s.
D de Westircors D.p.et.s.
D de Inneralloquhie D.p.et.s.
D de Streichin D.p.et.s.
D de Kildrocht D.p.et.s.
D de Udoche Copland D.p.et.s.
D de Moncuffer Ogilvie D.p.et.s.
D de Fischerie D.p.et.s.
D de Mekill Fintray D.p.et.s.
D de Litill Foley Gordoun D.p.et.s.
D de Auchtererne Skeyne et Gordoun D.p.et.s.
D de Sinnabothe D.p.et.s.
D de Auchtercoull D.p.et.s. pnt be his sone
D de Phinnersie D.p.
D de Ruthvenis D.p.et.s.
D de Innerernan D.p.et.s.
D de Johnsleis D.p.et.s.
D de Lenturk D.p.et.s.
D de Halheid D.p.et.s.
D de Toweis D.p.et.s.
D de Rothybirsben D.p.et.s.
D de Glencuthill D.p.et.s.
D de Petmedden D.p.et.s.
D de Blakhall D.p.et.s.
D de Leslie D.p.et.s.
D de Bairnis D.p.et.s.
D de Petcaple D.p.et.s.
D de Lethintie D.p.et.s.
D de Balhaggartie D.p.et.s.
D de Auchlevin D.p.et.s.
D de Stanyvode D.p.et.s.
D de Ardune D.p.et.s.
D de Kingudie D.p.et.s.
D de Bourtie D.p.et.s.
D de Barrauche King et Blakhall D.p.et.s.
D de Buchanstoun D.p.et.s.
D de Wardres D.p.et.s.
D de Edingarauche D.p.et.s.
D de Towie D.p.et.s.
D de Monycabok D.p.et.s.
D de Ardgrane D.p.et.s.

D	de Corsindey	D.p.et.s.	D	de Drumblait	D.p.et.s.
D	de Cragivar	D.p.et.s.	D	de Selbie	D.p.et.s.
D	de Thainstoun	D.p.	D	de Kyneduard	D.p.et.s.
D	de Cultis	D.p.	D	de Cragisfintreyis	D.p.et.s.
D	de Abirzeldie	D.p.et.s.	D	de Cordyce	D.p.et.s.
D	de Kintor et Skeyne	D.p.et.s.	D	de Forest de Kintor	D.p.et.s.
D	de Balmad	D.p.et.s.	D	de half Daauch of Ratrey	D.p.et.s.
D	de Maidlar	D.p.et.s.			
D	de Petfour	D.p.et.s.	D	de Begishill	D.p.et.s.
D	de Gelquhomestoun	D.p.et.s.	D	de Commeleges	D.p.et.s.
D	de Brux	D.p.et.s.			

The said day the haill personis abouwreittin absentis is amerciat for thair non compeirance and thair onlawis to be upliftit

The said [day] the principall Mair of Fee with consent of my lord Shref dischargis Alexr Crawfurd Messinger of all forder useing or exerceing of the office of Mair deputrie in all tyme cuming in respect of his non compeirance this day to serve my Lord Shref and the cuntey being the heid court day

Mr George Bissett
Mair of fee

Entries relating to Criminal Charges

I.

(18 December 1595)

The said day compeirit Mr Wm Barclay Procuratour Fiscall within the bounds of the Shrefdome of Abd and producit ane summounds aganis Alexr Thome in Kirktoun of Skeyne with ane judiciall act quhair Johnne Banerman burges of Abd become cautioun and souertie for the said Alexris entres to this day, To underly the law for the slauchter of Thomas Andersoun Wobster in Bogfarley be striking the said Thomas Andersoun with flaills battownis and with the bar of the bairne dure upone the xxvj day of October last bypast or thairby Be the quhilk straikis he conceauit his deid and departit this present lyif upone the fyft day of Nouember or thairby upone the Kingis hie gait Item for ane commoun forstaller be bying of wictualls and cornis in gryite afor hand and causing of his clyentis keip the same to ane derthe Compeirit the said Johne Banerman and enterit the said Alexr Thome upone pannall and protestit he suld be frie of his cautionerie And the said Alexr denyit the haill poyntis of dittey forsaid and referrit himself to the tryell of ane assyis And the Shref in respect thairof remitit him to the tryell of the Assyis folloving viz Barrell Gib in Schedochisley Johnne

Kennedy thair Alexr Ronaldsone thair Wm Barnat in Newhills Dauid Sted thair Androw Robertsoune thair Duncan Mathowsoun thair John Howat thair Abrahame Robertsoun thair Thomas Norvell thair Gilbert Abirdour in Gairden Johnne Gallowey in Auchlie Robert Norie in Cayrnie James Gilruist thair and Johnne Galloway thair Quhilks persones of Inquest being admittit and suorne and inclusit within the Counsalhous of the said burght efter tryell tane of the saids poynts of dittey all in ane voce be the mouthe of Robert Norie in Carnie absoluis and cleingis the said Alexander Thome of the haills poynts forsaids and maid him quyte and fre thairof in all tyme cuming quhairupone the said Alexr desyrit act of court and instrument

II.

(20 April 1596)

The said day in presens of Mr Thomas Leslie Shref deput of Abirdeine Compeirit Mr Richard Irving burges of the said burghe and become actit and obleist as Cautionar and souertie for Robt Arthour burges of the said burghe That the said Robart sall enter within the Tolbuithe of Abirdeine befor my Lord Leuetenent[1] or his deputs the xv day of May nixtocum or upone quhatsumeuir day or dayis plâce or places sâl be appointit to that effect To underly the law for the crymes contenit in his Lo/ precept raisit aganis the said Robert and that the said Robert sall nawayis declyne fra the said jurisdictioun of Lieuetenentrie and Johnne Leslie of Balquhane Shref of Aberdeine his Lo/ deput and that under the paine of fyve hundretht merks monie And the said Robt obleist him to releive his cautioner of the haill premissis Tandem continevis the said Robertis entres in eodem

(29 May 1595)

The said dey Robart Arthour burges of Abd beand enterit to this day was ordanit of new to set cautioun to entir upone the aucht day of Junij to underly the law for certane capitall crymes to be laid to his charge Quha according to the said ordinance set and fand Cautioner and souertie for him that he sall entir that ilk dey under the paine of v^{c} merks And the said Robt obleist him to releif his cautioner

III.

(29 May 1595)

The said dey Compeirit Mr Johne Reid in Milntoun of Collistoun and become cautioner and souertie for Androw Reid of Collistoun that

1 This office was filled at this period by Ludovic, Duke of Lennox. He had been made a burgess of Aberdeen on 10 February, 1594-5. *Misc. of the Club*, p. 85.

he sall entir within the Tolbuithe of Abd upone the xxij day of Junij nixt to underly the law for the allegit hurting wounding and mutilatioune of Mr James Leisk under the pane of ane hundrethe libs and the said Androw obleist him to releif his cautioner

Mr Johne Reid wt my hand
Andru reid of Collieston
wt my hand

Giving of Sasine. The Sasine Ox

(20 December 1595)

THE said dey compeirit Wm Robertsoune elder in the Gallowgait burges of Abd and become cautioun and souertie to refound content and pey to the Shreff of Abd and his deputis sic soumes of monie and uthir dewateis as is contenit in our Souerane Lords precept of Chancellarie derect to the said Shreff and his deputis for giveing of Johnne Wod at the Miln of Fintrey seising and possessioun of the said miln millands and utheris contenit in the said precept in caice that it beis foundin be the lords auditors of the checker compts that the same is nocht alredie peyit and allovit be thame And als for sic peyment to the said Shref of the seising ox sic as salbe chopit[1] be the clerk at the gewing of the seising And the said Johne Wod band and obligit him to releif the said Wm his cautioner

A Decree of Transumpt—Seaton and the Nether Don Fishings

(3 January 1595-6)

THE said day anent the edict raisit at the instance of ane nobill and potent Lord George Erle Merschell Lord Keithe and Altrie etc aganis Williame Stewart sumtyme of Setoune Dauid Bischop of Abd Thomas Buck Burges of Abirdeine Williame Ogstoune in Turreff notar publict Johnne Ramsay notar publict and all utheris and sundrie haueand or pretendand entres in the mater undirwreitin For transsuming of the wreitis and euidents eftir specifeit at the said nobill lordis instance Compeirit Mr Williame Barclay procuratour for the said nobill lord and producit the said edict deulie execut and indorsate to this day aganis the saidis personis Togidder with ane Chartour maid and subscriuit be umquhill Williame Bischop of Abd with consent of Deane and Cheptour to umquhill Mr Thomas Stewart and Mergaret Troup his spous thair airis and assignais on ane half netts salmond fisching of the Watter of Don of the dait [14 October 1566][2] Ane uther Chartour of the Schaddow

1 The same as Chapit, from chap to select or choose, *e.g.* the old saying "Chap ye chuse ye."

2 The dates, which are in words in the original, are reproduced thus for the sake of brevity.

half lands of Setoun maid and gewyn be the said Williame Bischop of Abd to the said Williame Steuart of the dait [1 October 1575] Ane uther Chartour gewin to the said Williame Steuart be the said Williame Bischope of Abirdeine of ane the said half netts salmond fisching of Don of the dait [13 April 1577] Ane Instrument of Seising folloving thairon upon the said fisching of the dait [2 May 1577] under the signe and subscriptioun of Wm Ogstoun noter publict Ane Chartour gewin be Thomas Buck burges of Abirdeine to the said Williame Steuart on the sone half landis of Setoun hauldin of him selff of the dait [1 September 1587] Ane Seising folloving upone the said Chartour on the said sone half landis of the dait [2 September 1587] under the signe and subscriptioun of umquhill Mr Williame Nicoll noter publict Ane Chartour gewin be the said Dauid Bischopt of Abirdeine to the said William Steuart on the waird callit the Bischopis waird of the dait [13 July 1582] Ane uther Chartour of the said sone half landis of Setoun gewin be the said Thomas Buck to be hauldin of the said Dauid Bischopt of Abirdeine of the dait the said [1 September 1587] And ane Seising of the said Schaddow half lands of Seytoun gevin upone the said William Bischopt of Aberdeinis Chartour under the signe and subscriptioun of the said Johne Ramsay noter publict of the dait [4 October 1575] And desyrit the saidis wreittis to be transsumit in autentik forme of transsumpt and recognoscit be the witnessis contenit in the said edict lauchtfully summoundit to this day to that effect and the said transsumpt to have als gryit faithe and fidelitie as the principall euidents thame selffis quhilk desyre the Shref depute forsaid [Mr Thomas Leslie burgess of Aberdeen] in respect na man compeirit to obiect in the contrar thocht ressonable and eftir the saidis euidentis was recognoscit be the saids witnessis suorne and admitit Decernit and ordanit the same to be transsumit in attentik and dew forme of transsumpt extractit and subscriuit be the Clerk of Court deulie as effeiris under the seill of office and the same to haue as grite faithe and fidelitie in all tyme cuming as the principalls euidents thame selffis quhairupoun the said Maister Williame Barclay desyrit Act of Court and instrument

Election of Commissioners to Parliament

(31 January 1595-6)

The said day the haill barrownis within the Shrefdome of Abirdein for the maist pairt beand conuenit within the Tolbuithe of the said burght for cheising of Commissioneris to Parliamentis and Conuentionis for this present yeir All in ane voce electit and cheisit Jon Lesly of Balquhane and Sir Alexr Fraser of Frassrisburght knicht personis maist meit to keip and pas to the saidis parliamentis and conuentionis quhatsumeuir

quhill Michealmes nixt to cum in the yeir of God ane thousand fyve hundrethe fourscoir and sexteine yeiris inclusive

Repair of Bridge of Don

(31 January 1595-6)[1]

The said day the barrownis for the maist pairt within the Shrefdom of Abd Conuenand within the Tolbuithe of Abd for cheising of taxtaris to stent ane taxatioune within the said Shrefdome for besting mending and reparing of the Brig of Done and eftir lang ressoning for the maist pairt electit nominat and cheisit Johne Leslie of Balquhane Alexr Irving of Drum William Forbes of Tolquhone Sir James Crichtoun of Frendraucht knicht Dauid Bischop of Abd and Thomas Menzeis of Durne provest of Abd personis maist meit and conuenient to set and stent the said taxt

Renunciation Discharge and Ratification by a Married Woman and her Husband

(24 June 1596)

The said day in presens of the Shref deput forsaid [Mr Thomas Leslie] Comperit personalie spous to Thomas Boyd in Kyncardin and outwith the presens of the said Thomas hir husband of her awin frie motive will oncoactit compellit seducit or circumvenit For gratituds guid deids and sowmes of money done payet and delyverit to hir be Wa Strauchin of Clune quhairof scho held hir weill content satisfeit and payet And for hir hir aires executours and assigneis exonerit quyitclamet and dischargit the said Wa Strauchin his airis executours and assignis of the samen be thir presents for now and evir, Renuncit quyitclamet and simpliciter dischargit in favours of the said Williame and his forsaids hir coniunctfie and lyferent tytill and rycht that scho hes hed or ony wayes mey pretend to All and Haill ane croft of land of Kyncardin O Neill callit the parsones croft lyand betuix the land of Craigtoun of Kyncardyne and Burrowstoun on the eist pairt The Kingis commoun get towards the southe The burne of the towne of Kyncardyne towards the wast and the lands of the said toun of Craigtoun towards the northt Togidder with all and sundrie houssis biggyngis biggit and to be biggit upone the soile and ground of the said manss And with ane

1 It is not quite clear from the original whether this and the previous meeting were held on 31 January as above or on 3rd February.

chalmer lyand on the southe syid of the steyne chalmer of Kyncardyne sumtyme occupeit be James Toucht with all and sundrie preuilegeis liberteis and commoditeis contenit in the infeftmentis maid to hir and umquhile Petar Boyid hir sumtyme spous on the samen Lyand in the parochin of Kyncardyne and Shrefdome of Abd And gef hir corporall aytht that scho was neythir coactit compellit nor circumvenit to do the samen Renunceand thairby all exceptioun of law and previlege thairof maid and introducit in favours of wemen and in speciall senatus consulti Velleiani and that scho suld nocht cum in the contrar thairof And immediatlie thaireftir comperit hir said spous and gef his express consent thairto and ratiffeit and apprevit the samen Quhairupone the said Williame askit Act of Court and instrument.

The Decree Books, Vol. I. Part I. 1597-99

In the case of the five volumes, which have been already dealt with, the title "Diet Book" has been taken from the outside covers, in which, as has been stated in the introduction, they were rebound somewhere about 1840. In the Inventories of 1764 and 1808 several of these were called Books of Services and not Diet Books, the titles being apparently such, as in the opinion of the Sheriff-Clerk for the time, best described the contents. We have here, however, the original designation of the volume, preserved on the title page, which runs thus "Decreit Buik of the Srefdome of Aberdene sen the entrie of Maister Williame Andersone to be Sref Clark quhilk was upone the auchtene day of Junij 1597." Had those in charge of the subsequent binding of the volume not received this guidance, the volume would probably have been labelled as a Diet Book and would thus have been No. VI. of that series. As may be seen from the contents, there are entries other than decrees, and notably the first entry, giving an account of the Sheriff-Clerk's own installation, which supplies the fullest description of Sheriff Court ceremonial found in these books.

It may be also noted here that not only is there an unaccounted for cessation of entries between December, 1597, and June, 1598; but that entries abruptly cease on 31 March, 1599, for a period of more than thirty years, when the unused portion of the volume began to be utilized for Decrees of Transumpt pronounced between 1633 and 1644. The volume is therefore not a Decree Book from 1597 to 1644, as represented on the back of it and in recent Inventories; but a book consisting of two parts widely differing in point of time and character, the first of which only is dealt with in the following Table of Contents. In none of the Inventories previous to the date at which the rebinding already alluded to took place, is the second part noticed, and yet it has all the appearance of having been written up at the time. It would

seem indeed that when the Sheriff-Clerk made his return in 1808 he assumed, without close examination, that the last date in the volume was October 1, 1599, instead of October 1, 1644, and so described it.

Table of Contents of Vol. I. of Decree Books: Part I.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1597. June 18.	Installation of Sheriff Clerk.	Mr. William Anderson.	His Majesty presented gift of the office to the Countess of Huntly, who appointed Mr. Anderson.
23.	Removing, Decree of.	Alex. Cuming of Culter *v.* Wm. Jamesone, Patrick Jak, Thomas Crag and George Merschall.	Overcontley, Beanshill and Petgulles, in Peterculter. Sasine dated 28 Septr. 1565. Notary William Bruce. Decree against Crag only.
	Removing, Decree of.	John Keith of Raviniscrag *v.* Wm. Simsone and others.	Cortestoun in the Parish of Peterheid. Brodland in the Parish of Cremond and Carneglass in the Parish of Lonmay. Date of Sasine not given.
	Removing, Decree of.	John Gawin, Liferenter and taxman *v.* Wm. Reid.	Pikemanschip and part of Knaffschip of the Milns of Invernettie and part of Collielaw all in the Parish of Petirugy and Barony of Auden. The Defender consented to remove and was discharged of all past due rents.
	Removing, Decree of.	Thos. Robertsone in Midessie *v.* John and William Davidsone.	Rig or ruid of land within the territorie of the Bruch of Rattrey. Sasine dated 11 August 1596. Notary Mr. John Robertsone. The defence of possession beyond the memory of man was repelled.
29.	Removing, Decree of.	Elspett Forbes, relict of Alexr. Forbes Fiar of Towies, Lady Tercer, and Alexr. Straquhan apparent of Glenkindy now her spouse *v.* Dauid Milne and some 50 others.	Nethir Synnahard, Over Synnahard, Synnaboth, Culfork, Kinbethok, Culfuird, Rippachie, Croft Moriell, Balnaboth, all in Kinbethok. Colquiche in Migvie. Deskorrie, Easter Corrihoull and half Forrest of Corgarph, Wester Corrihoull, Corgarph, Auld Garph, Ardquhon, in Invernochty, and Barony of Kildrummy. Sasine dated 3 May 1596. Notary Mr. Wm. Thomesone.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1597. July 6.	Removing, Decree of.	Alexander and Adam Leythis *v.* Wm. Leith of Likliheid and Elspet Thomsone in Auchlevin.	Four oxingang land in Premnay. Date of Sasine not given.
16.	Removing, Decree of.	Alexr. Irwing of Drum *v.* Christian Forbes, relict of Andrew Irwing of Schedochisleye and David Mayne	Sunnysyd in Drumneok and Barony of Drum. Sasine dated 26 April 1583. Notary Mr. Gilbert Ross.
30.	Removing, Decree of.	Alex. Irwing in Ordley *v.* James Smart and John Cruickshank.	Lenchschantbray, in Auchterless. Sasine dated 19 Octr. 1586. Notary Mr. Alexr. Barroun.
	Removing, Consent to.	Isobell Cheyne, Liferentrix *v.* Robt. Watsone.	Murcar in the Parish of Sanct Machar. The Defender appeared and consented to Remove.
April 7.	Spuilzie.[1]	Jane Keith, relict of Adam Gordoun in Wark in Cushnie *v.* Thomas Gordoun in the Milne of Dess, James Walkar reidar at Cushnie, and Alex. Lumisden in Knokreauche.	Her whole stock and effects. (See entry on 12 March 1595-6. *Supra* p. 352.)
Octr. 5.	Spuilzie.	Agnes Barnat, Widow of *v.* John Forbes of Towie and Thomas Gilpatrik his servitor.	Farm stocking and inside plenishing of Midtowie in Kinebethok in May 1597.
	Removing, Decree of.	William Troupe of Pettindreiche, titular during lifetime of Andrew Meldrum of Drumbrek *v.* George Meldrum of Drumbrek.	Lands of Drumbrek, Barony of Drumbrek. Sasine dated 14 and 15 October 1595. Notary Mr. Wm. Ray.
6.	Payment.	John Mar, Baxter, burgess of Abd. in right of his mother Margt. Mengzeis sister and heir of Patrick Mengzeis of Ferrihill *v.* John Forbes of Petsligo as heir to his father Alexander, and George Earl Merschall, Robert Arbuthnot of that Ilk younger, Alexr. Stratoun of Lawrenstoun and Mr. James Keath of Drumtochtie his curators.	Annual rent of 50 merks and arrears amounting together to 550 merks from Lands of Kowbourtie or Bourtiebeg and Wodheid in the Barony of Petsligo, which had been wadset on 15 June 1582. Interest on the arrears was sued for but refused "as nocht admissibill of the law."

1 Obviously omitted at the proper date, and afterwards inserted here.

Decree Books: Vol. I., Contents

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1597. Decr. 20.	List of Jury.	Wm. Irving of Beltie. Dauid Mengzeis. Wm. Gray. Leonard Leslie. George Elphingstoun. Alexr. Ewin. Wm. Skeyne. Thomas Cowie. Mr. Wm. Reid. Mr. Andrew Clark. James Steuart. Andrew King. Alexr. Schand. } burgesses of Aberdeen. Thomas Meldrum of Bray. John Meldrum of Ordley.	
	Special Service.	Thomas Meldrum of Iden to his grandfather Thomas Meldrum of Iden.	Lands of Iden, Mill of the same and Salmon Fishing on the Doverne. Also lands of Auchmull, Stroquharie, Fortrie, Auchnamoyne in the Barony of Kingedward. Old value £4 per annum. Present value £17. Held of Meldrum late of Fyvie, blench for payment of 1d. Scots at Pentecost yearly. In non entry for 20 years and 9 months since death of ancestor in May 1577.
	General Service.	Jeannie Meldrum to her mother Elizabeth Tulloche.	
1598.[1] June 3.	Judicial Admission of Removing.	Andrew Fraser of Staniewod and John Fraser his brother *v.* Mr. William Fraser in Waster Clintertie called Litill Clintertie.	Lands of Clintertie. This is signed by Mr. Wm. Fraser and John Fraser.
16.	Removing, Consent to.	Walter Innes of Auchintoull *v.* Andrew Lowrance in Petfour, Wm. Cuming in Leggat.	Parts of the Lands of Petfour and Leggat in the Parish of Deir, as pertinents to the Barony of Tollihis.
23.	Removing, Decree of.	Alexr. Annand, apparent of Auchterellone and Geo. Lesly of Hilbray, Donators to the liferent of Mr. Gilbert Annand of Collihill *v.* Alexr. Setoun.	Collihill in Bourtie.

1 It will be noticed that there are no entries between Decr. 1597 and June 1598.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1598. June 23.	Removing, Decree of.	Mr. Richard Irving of Hiltoune *v.* Henry Gray.	The Shadow half of Hiltoune in the Parish of Sanct Mauchar. Sasine dated 14 Decr. 1579. Notary Mr. Thomas Mollesoun.
24.	Removing, Decree of.	George Gordoun, apparent of Geicht *v.* Andrew Wod, John Duncane, and David Gordoune.	Miln, Miln lands, Brewcroft and other subjects of Ardoche, Tarves. Sasine "transsumit furthe of the Commissars buiks of Abd." dated 31 March 1588. Notary Mr. Thomas Gairdin Commissary Clerk of Abd.
	Removing, Decree of.	John Leithe of Harthill *v.* Adam Donald.	Four oxingang land of Harlaw and Tempill croft thereof, in Logydurnocht. Sasine dated 19 April 1598. Notary Walter Thomsone.
27.	Removing, Decree of.	Thomas Johnestoun of Middil Disblairis *v.* William Cultis.	Land on Suttetoun of Disblair, in Fintray. The Defender was present but offered no defence.
	Removing, Decree of.	Alexr. Middiltoun of Berrihill *v.* Alexander Hendersone.	Part of Neddir Mondurno and Turbothiehill, in the Parish of Sanct Mauchar. Sasine dated 3 August 1577. Notary Mr. Alexr. Davidsone.
	Removing, Decree of.	Wm. Gordone of Kennertie *v.* Andrew Calder alias Jamesone and Alexr. Leslie.	Parts of Cunlie in the Parish of Keig. Sasine dated 25 January 1597. Notary Walter Innes.
	Removing, Decree of.	Gilbert Gray of Schewes *v.* James and Andrew Cowesonis, Patrick Stut, Thomas Snell and Wm. Watsone.	Parts lands of Culcox and Newseat, Barony of Schewes, Tarves. Sasine dated 31 January 1583. Notary Mr. John Gray.
July 3.	Removing, Decree of.	George, Erle Huntlie &c., &c. *v.* William Gordoune of Crag, principal tenant and his subtenants, also Helen Innes, Widow of Patrick Gordone of Letterfourie, Mr. Alexr. Gordon of Tulloche and a number of others.	Parts of the lands of Rhynie and Ardlonie. The Lands of Ardonald, The hauche of Uttingstoune, Ringlands Croft, Westertoune, Carnie, Auchindrewn, Connacleych, Mostoun, Overkirk, Bogmowin, all in the Lordship of Strathbogy. Date of Sasine not given.

Decree Books: Vol. I., Contents

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1598. July 4.	Removing, Decree of.	Alexander Lesly, burgess of Abd. *v.* Walter and Ronald Ronaldsone.	Part of Kirktoun of Dyce, Parish of Dyce. No Sasine produced. Defenders alleged a year's lease and referred to Pursuer's oath, who denied it.
	Removing, Decree of.	John Forbes of Petsligo *v.* Mr. Arthur Forbes.	The Lands of Aldtoun of Wardres in the Barony of Petsligo. This diet was fixed that the Pursuer might give the declarator of his will concerning the removing or not removing of the Defender. On behalf of the latter an adjournment was asked, and there was produced a "Testimoniall of the Minister off Inche testifeing that the Defender is presentlie diseasit and may not trauell." In spite of this the Laird of Petsligo, who was personally present and declared his will for a removal, obtained his decree.
6.	Enforcement of an obligation.	Williame Gordone of Geicht *v.* Wm. Scott in Ardlogie and Alexr. Cheyne there.	In terms of an obligation, dated at Gicht 20 Feby. 1597-8, decree passed for "ten punds usuall monie of this realme for ilk boll of fourscoir bolls ait meill ryne met of the Commoun messour of Abd." Wm. Iruing of Ardlogie desired to be admitted for his interest but was refused.
7.	Removing, Decree of.	Elspet Mortymer liferentrix *v.* Archibald Douglas and John Davidsone.	Part of the lands of Peterstoune, in the Parish of Sanct Maucher.
17.	Removing, Decree of.	John Leithe of Mongarie *v.* Andrew Measone.	Croft of Land, Mongarie, Parish of Tullinessal. Sasine dated 20 March 1586-7. Notary Mr. Alexr. Wat.
	Removing, Decree of.	William Chalmer, lawful son to late Mr. Wm. Chalmer, portioner of Disblair and his Curator John Chalmer of Balbithane *v.* Charles Chalmer of Tillikerrie and Andrew Chalmer and John Thomesoun.	Part of toun and lands of Wester Disblair, Parish of Fintrey. Sasine dated 30 June 1598. Notary Mr. Wm. Andersone, Sheriff Clerk.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1598. July 31.	Removing, Decree of.	Patrick Barclay of Towie *v.* Michael Clerk, John Mylne and Wm. Beddis.	Mylne of Mylneseat and Cauldwalls in the Parish of Turreff. Sasine dated 23 Jany. 1583. Notary Alexr. Watsoun.
	Removing, Decree of.	Jane Mengzeis liferentrix *v.* Isobel Dune relict of Wm. Bruce and Wm. Mitchell.	Brew croft in Auchinlek, in the Parish of Deir. Sasine dated 31 August 1582. Notary Mr. John Robertsoune.
	Removing, Decree of.	Alexander Irving of Drum *v.* Gilbert Vaus.	Mylne and Mylne Croft of Kynmuks in the Parish of Kinkell. No Sasine produced. Lease alleged and referred to Pursuer's oath, who denied it.
Octr. 4.	Action of Transferring against an Executrix.	Alexander Duncansoun in Rora *v.* Isobell Davidsoun relict of Alexr. Thomsoun in Ithie and others.	An Action of Spuilzie of Nolt, Sheep, &c. [Duncansoun *v.* Thomsoun, *infra* 1 Febry. 1598-9.]
	Removing, Decree of.	Patrick, Lord Glamis *v.* Janet Forbes, relict of Walter Barclay of Drumdelgie.	Tua pleuchis and four oxingait Lands of Curtestoune in the Parish of Leslie. Sasine not produced.
	Removing, Decree of.	John, Lord Forbes *v.* James Stewart and John Stewart his brother.	Toun and Lands of Ester Abargairdin in the Barony of Fiddes and Strathgarnik by annexation. Sasine not produced.
5.	Removing, Decree of.	Mr. Robert Irving of Moncuffer *v.* George Irving in Braysyde of Moncuffer.	Ane pleuche callit the Braysyde of Moncuffer and nets salmon fishing on the Water of Doverne called the Kirksyde in the Barony of Moncuffer. Sasine dated 5 June 1568. Notary Mr. John Bagray.
13.	Removing, Decree of.	Gideon Keithe of Sauchok titular and takisman *v.* James Keithe in Garlogy.	Half toun and lands of Garlogy, in the Parish of Skeyne.

Decree Books: Vol. I., Contents

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1598. Octr. 16.	Transumpt.	George, Earl Marischal by Mr. Wm. Reid, Advocate in Aberdeen his procurator.	Instrument of Sasine dated 9 Novr. 1581, proceeding on Royal Precept dated 4 Novr. 1581 in favor of George Earl Marischal as heir of William his grandfather in the Lands and Barony of Kyntor, from the Protocol Book of the late William Bruce, Notary and Sheriff Clerk depute. Alexr. Chalmer of Cultis, Alexr. Cullane and Mr. Robert Chalmer, burgesses of Abd., to whom the precept was directed were styled Sheriffs of Aberdeen, Kincardine, and Banff. The witnesses to the Act of Court were Andrew King, Mr. Wm. Reid Advocate, Gilbert Thomsone Notary Public, James Keithe of Kynnadie, Mr. Alexr. Irving Advocate, Alexander Chalmer and Robert Gareoche Esquires (armigeri).
31.	Protestation for not insisting and Decree for Expenses.	Andrew, John, Micheall and Alexander Yetts in Hythie *v.* Alex. Hay in Corthycrom.	£4 of expenses, being 20/- to each. This sum was fixed in consideration that the Pursuers dwelt at a distance, and had to ride to Aberdeen.
Novr. 1.	Molestation.	John Chalmer of Balbithane as tutor to William Chalmer, eldest son and heir of Mr. William Chalmer of Wester Disblair *v.* Charles Chalmer of Tillikerrie.	A dispute about the marches 'twixt the Pursuer's Shadow half of Wester Disblair and Tillikerrie, when the defender appeared and admitted he had trespassed, and was admonished to observe and keep the marches, which are detailed in the decree, for the future.
29.	Removing, Decree of.	Mr. Robert Irving of Moncuffer *v.* Walter Grant, burgess of Banff.	The Kirksyde part and pendicle of the Pursuer's half lands of Moncuffer and salmon fishing on the Deveron in the Barony of Barcley, of which the Defender had taken possession when George Irving had been ordained to remove. [Decree on 5 Octr. *Supra.*] In referring to the previous case the term is used "Decreit of this auditorie."

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestæ.*
1598. Decr. 14.	Decree of Transumpt.	George Gordoune of Cowclarauchie as son and heir of George Gordone of Blairndynnie.	Instrument of Sasine dated 16 March 1584-5 proceeding upon precept by David, Bishop of Aberdeen, dated 20 Jany. 1584-5 of the town and lands of Hauche of Bogie, alias Blarnedynnie, Shire of Cla. The precept of Sasine was signed by the Bishop of Edinburgh, two of the witnesses being John Gordoun apparent of Buckie and Mr. Francis Cheyne. It was directed to William Gordoun of Auchindoir and Robert Barclay of Faichhill, by whom Sasine was given in presence of Alexander Leslie of Boquharne, William Gordone, son of the said William Gordone of Auchindoir, John Robsoun in Blairindynnye, Andrew Ranye in Smithstoun of Notht, Alexander Gordone and George Gordone there, and Patrick Gordone in Fulsemonth. The witnesses to the Act of Court were Mr. Robert Paip Advocate in Aberdeen, William Gordon of Tulliangous, George Gordoune in Scurdarg, and Gilbert Thomesone burges. The precept, in narrating the verdict of the inquest which sat on the breive of Service, makes an interesting allusion by implication to the rebellion of the ancestor who was executed after Corrichie. The words are these: "Quod quondam Georgius Gordone de Blairndynnie pater Georgii Gordoun nunc de Coclauranchie latoris presentium obiit ultimo vestitus et sasitus ut de feodo ad pacem et fidem Marie quondam regine matris dicti S.D.N. regis moderni Aut saltem ratione literarum gratie et restitutionis per dictum S.D.N. regem cum auisamento et consensu dominorum secreti consilii dicto Georgio desuper concessarum ipse nunc est eiusdem sortis et conditionis ac si dictus suus pater obiisset ad pacem et fidem dicte Marie quondam regine."

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1598-9 Jany. 10.	Removing.	Andrew Brabner elder, burgess of Abd. *v.* Alexr. Philp and Matthew Still and Gilbert Mengzeis of Petfoddellis for his interest.	Each from four oxgait of the Schadow plouch of Westertoun of Petfoddellis in the Barony of Petfoddellis. The Pursuer produced a Charter and Sasine, but the dates are not given.
Feby. 1.	Action for Rent.	John Strachachin, Minister at Keig *v.* Patrick Strachachin in Ardgows.	Town and lands of Clay mylns, Barony of Lenturk. Oat meal, Crop 1597, per boll 10 merks, Malt do. 12 merks, Poultry each 40 d., Capons each 5 sh.
	Spuilzie or Wrongous Intromission.	George Strachachin burgess of Abd. *v.* Mr. Robert Youngsone Minister at Drymminnor.	A "gown of Reissalls growgrane thick pessimentit with silken pessiments." Value as proved £30. "A skirt of figurat weluot" £10. A "hewit plaid" £10. With £5 of expenses.
	Spuilzie or Wrongous Intromissioun.	Alexr. Duncansone in Rora *v.* Alexr. Dauidsone, son of Robert Dauidsone in the Perkhous of Deir, Wm. Smithe at the Kirk of Fettirangous, John Moreis in Brekishill, Andrew Essilmonthe, Younger, Margaret Ogstoune in Dumpstoune, John Farquhair in Corthicrome, John Thomsone in Newseat, Wm. Dauidsone in Auchmaleddie and Isobell Dauidsone, widow, as intromitter with her late husband Alexr. Thomesone's estate.	The liability in this case had been transferred to Isobell Dauidsone, widow of Alexr. Thomesone, one of the original Defenders by action of transferring [*Supra* Octr. 4]. A dilatory plea was stated that at and before the time of citation the defenders dwelt in the Sheriffdome of Banff. It was held that they had all been lawfully brought into court "ratione rei de qua agitur." Decree passed for restitution of or payment for A white horse £40 5 Cows each 20 merks 3 Steers each £10 with the lost profit at 6/8 per day for the horse, a calf yearly from each cow at £4, besides 5/- per day for milk, butter, cheese, and dung from the cows, and 4/- per day for the work, hiring, and dung of each steer. 38 milk ewes each 40/-, 22 two and three year old wedders each 4 merks, 10 yeild ewes 2, 3, and 4 years old each 30/-, with £5 of expenses to be paid equally by Defenders.

Date.	*Nature of Entry.*	*Parties.*	*Subject or Res Gestae.*
1598-9 Feby. 1.	Rent and Arrears, Decree for.	Elizabeth Cheyne, Relict of John Kennedy of Carmuk and wife of Magnus Mowat, apparent of Baquhollie, as tackiswoman or titular *v.* Wm. Kennedy in Kirkhill.	Kirkhill, Parish of Ellone. Decree for 55 bolls of meal at £4. 13. 4 per boll overhead with £6. 13. 4 of expenses.
Mch. 31.	Removing, Decree of.	Alexr. Irving of Drume liferenter and Alexr. Irving his eldest son fear *v.* David Pantoun, and Alexr. Dawie his subtenant and girsman.	8 Oxingang of the town and lands of Lochmans part of Lands of Coull, Parish of Coull. Four bolls sowing of the Croft and fauld of Curiebreks fauld. Date of Sasine not given. Decree against Dawie only.
	Removing, Decree of.	Alexr. Keithe in Atherb *v.* James Symsoune.	Town and lands of Bethleame, Lordschip of Altrie, Parish of Deir. Sasine dated 26 Febry. 1584-5. Notary James Thomesoune.
	Instrument of Sasine.	Alexr. Irving of Drum in liferent and Robert Irving his second son in fee.	This is obviously a copy of the Sasine produced by Irving of Moncuffer in the Kirksyd case [*Supra* p. 382]. The Charter and Precept of Sasine were granted by George Barclay of Barclay. The exact date and the names of witnesses are not given.
	Instrument of Sasine.	Alexr. Irving of Drum in liferent and Robert Irving his second son in fee.	Of the lands of Foulsie in the Barony of Barclay by annexation. The Precept of Sasine was granted by George Barclay of Grantulie knight, with consent of Walter his son and heir, at Banff on 6 and 9 January 1577-8 before witnesses Robert Earl of Buchan, Alexander Ogilvy of Boyne and others. Sasine was given on 22 July 1578, the notary being Mr. John Bagray.

Illustrative Examples taken from Decree Book, Vol. I. Part I.

Admission and Installation of Sheriff Clerk

At Abirdeine the auchtene day of Junij the yeir of God j^{m}v^{c} fourscoir and sevintene yeiris

THE quhilk day in presens of ane honorabill man Maister Thomas Leslie Shref deput of Abirdene judicialie sittand within the Tolbuith of the said bruch in ane fencit court of the said Shrefdome us notaris publict and witnessis under writtin Compeirit the Richt Honorabill Sir Johne Gordoun of Petlurg knicht procuratour for ane nobill and potent Lord George Erle Huntlie Lord Gordoun and Badzenocht etc and Deame Henriet Steuart Countes of Huntlie lauchfullie constitute to the effect under writtin haueing in his hands ane gift maid be the said Erle and Countes of the Shrefclerkschip of the Shrefdome of Abirdene to Mr Williame Andersone burges of Abirdene for all the dayis of his lyftyme as the said gift of the dait at Torrisoul and Bog of Geicht respectiue the xxij and xxiij dayis respectiue of Maij last bypast proportis pertening and belanging to the said Countes be gift of his Majestie grantit to hir be resone of the forfaltrie of the said Erle And in name of the said Erle and Countes dischargit Mr Alexander Fraser and Mr William Reid Shref Clerks of the said Shrefdome and all uther Clerks thairof of thair office of the said Shrefclerkschip and of all useing and exerceing of the same in tyme heirefter The said Maister Williame Reid being personalie present dischargeing and renunceing the said office frilie and simply in favours of the said Mr Williame Andersone to be bruikit and joisit be him be wertue of the said gift during all the dayis of his lyftyme And forder the said Sir Johne Gordoun procuratour foirsaid for coroboratioun of the said gift maid to the said Maister Williame Andersone resauit and admittit the said Mr Williame Andersone to the said office of Shrefclerkschip of the said Shrefdome for all the dayis of his lyftyme and gave him institutioun of the same office realie be delyvering to him of the judiciall court buiks of the said Shrefdome and seill of office of the same and set the said Mr Williame doun in jugement as Shrefclerk foirsaid to be bruikit joisit and usit be him during all the dayis of his lyftyme with the casualiteis and writneis thairof conforme to the said gift in all pointis And the said Shref deput causit the said Mr Williame Andersone be solempnitlie suorne for faithfull administratioun in the said

office Quhairupoun the said Mr Williame Andersone cravit instrumentis Befoir thir witness Wm Troup of Petindreich Alexr Duff of Cornsoull James Ogiluy appeirand of Blelok George Troup Johne Urquhart Chirurgin burgessis of Abirdene Mr Thomas Molysoun Toun Clerk of Abirdene Mr Williame Reid Gilbert Thomsone and Walter Robertsone Notaris Sic Subr Walter Robertsone notarius in premissis requisitus Mr Williame Reid notarius publicus Gilbert Thomsone Notarius publicus in premissis

Some Prices or Values in 1597

The following are taken from the two cases of Keith *v.* Gordon, Walker and Lumsden recorded on 7th April, 1597, and Barnat *v.* Forbes and Gilpatrick, decided 5th Octr., 1597. These cases were contested and decided after evidence had been led.

(a)

Keith *v.* Gordon and others.

Oats with fodder per boll	£5.	
Beir with fodder per boll	£10.	
Oxen and cows overhead each	£8.	
Sheep do. do.	£2.	
Horses and mares do. do.	£10.	
2 Pistolats (pistols) do. do.	M.10.	
Gray fustene doublat	M.10.	
Pair of breiks of gray stenning	£4.	
Gray coitt and gray breiks	£10.	
Hand bow—being utter fyne	£20.	
Buklar suord	£10.	
Quhingar and gantilat	£3.	
2 dozen peuter vesshells per dozen	£4.	
A salt fatt	-.	6. 8
10 pair new bed plaids per pair	£2.	
4 Chandleris each	£3.	6. 8
3 Boustaris each	£3.	
10 Cods each	-.	6. 8
8 pair new Scheits per pair	M.4.	
3 pair heid Scheits per pair	£3.	
3 Burd claithis and 2 Lynning towallis price of the haill	£15.	
1 dozen Seruits each	-.	3. 4
3 Bed coveringis each	M.8.	
Mekill girnall with sex kists	£20.	
Mett Almrie and a Top almrie	M.8.	

(b)

Barnat *v.* Forbes and another.

Meal per boll	M.	15.	
Beir per boll	M.	15.	
Ewes each	£	2.	
Cow and Calf	M.	20.	
10 Foullis young & auld in all	£	1.	
Dunmellis and wedders each	£	2.	
Lambs each	£	1.	
Yron pot and cruik	M.	4.	10. -
3 Irene disches		-.	3. 4
3 Coks or Coigis		-.	3. 4
3 Tubis	£	1.	
Watter Stoup		-.	6. -
Rubbour		-.	3. 4
Pair of Kairds	£	1.	
1 Point of fet with veschell containing it		-.	4. -
2 pund of Woll		-.	16. -
6 horne Spounis		-.	2. -
3 Poiks	£	1.	
Canvessis	£	1.	
A Bullcox or Bullex		-.	4. -
A Dyche		-.	3. 4
A Peit spaid with the heid		-.	4. -
Girnall kist	M.	4.	
Another kist	M.	2.	
Quarter pound of Soap		-.	-. 8
1 lb of Scheip tauch (tallow)		-.	3. 4
6 pair of schapin and unschapin Schone per pair		-.	4. -
A Spynning Quheill	£	1.	
Unwrocht Yron and wrocht	£	1.	3. -
Ane yron taingis		-.	5. -
3 Mekill kist bands (or burds)	£	1.	-. -
3 scoir of louss tymber per dozen		-.	10. -
2 Burden duris (doors)		-.	15. -
Garments of claithis coittis breiks and doublats in all	£	2.	6. 8
Pair tarton schanks		-.	3. 4
3 quarters of new hoising quhyit		-.	10. -
A schuitting hand bow with bag and 20 arrowis	£	2.	10. -
A lynning serk		-.	6. 8
A suord belt		-.	3. 4
3 pieces of ledder callit colledderis		-.	4. -
6 pair of schewit schone in all		-.	10. -

2 barket hrds (?)	M.	6.	-. -
A helane durk with scheath and bykniffe		-.	6. 8
3 Alisones (awls)		-.	2. -
3 Cordinar knyffis		-.	3. -
A blek stoup full of blek		-.	3. 4
½ lb of talche		-.	1. 8
A mekill kirne		-.	6. 8
A ladill		-.	-. 4
2 Woll scheiris		-.	4. -
A Plait		-.	1. -
A Trunchour		-.	1. -
Pair yron ballis		-.	1. -
2 scheiring huiks		-.	6. 8
A new horss claith		-.	6. 8
2 muk graipis		-.	2. 8
A schuill		-.	1. -
A small meill siff		-.	4. -

Decree was asked but not given for the following coin :—

Tuelf auld Rosnobillis at xii merks Ilk peice Tua fyve pund peices amoynting in the haill to the soume off seven scoir and ten merks quhilk gold and siluer wes in ane pig in the nuk of the said Agnes hous

PART II.

Officials prior to 1600

OFFICIALS OF THE SHERIFF COURT OF ABERDEENSHIRE.

The Sheriffs.

1221.[1] SIR PHILIP DE MALEUILLE.

The family to which this Sheriff belonged is believed to have come to Scotland with David I. Galfridus, the first of the family of whom we have definite knowledge, is said by Douglas to have lived under David I. and his successors, Malcolm IV. and William the Lion, and to have attained to the position of Justiciary of Scotland.[2] Two local references to this personage may be given. He was a witness (1165-1171) to the grant of the Church of Tarland to the Church of St. Andrews by Moregrundus, Earl of Mar,[3] and again (1171-85) to the earliest existing Royal Charter to the Burgh of Aberdeen.[4] This Galfrid had a son named Philip,[5] but the editor has not been able to find evidence as to whether this son or Philip, the grandson of Galfrid (as Douglas asserts) was the future Sheriff. The evidence of the Sheriffship of a Philip de Maleuille is quite clear and conclusive. He is so styled when witness to a Charter of the lands of Petmengartenach granted by Stephen of Kinardley to the Abbey of Aberbrothoc (1221).[6] Again among the Charters of the Priory of St. Andrews is one entitled "Conuencio inter Priorem et Conuentum Sancti Andree et Gillemor Scolgo de Tarualont hominem eorum ligium et natiuum"[7] (1222), to which Philip de Mauleuille vicecomes Abirdonensis is a witness. At a somewhat later period he was Sheriff of the "Mernes"[8] (Kincardineshire). Philip, the son of Galfrid, owned the lands of Munethen (Mondynes), now part of the estate of Glenbervie. From the documents establishing this fact it appears that Munethen was

1 When one date is given it is either the only date or the earliest date at which evidence is found of the appointment. When two are given they are the earliest and the latest.

2 Douglas *Peer.*, II., p. 10. 3 *Ant. A. & B.*, II., pp. 14, 15.

4 *Abd. Charters* (P. J. Anderson), pp. 3, 4. 5 *Reg. Vet. Aberbr.*, pp. 64, 66.

6 *Ibid.*, p. 179. 7 *Ant. A. & B.* II., pp. 18, 19. 8 *Reg. Vet. Aberbr.*, pp. 88-9.

the marriage portion, which he received with Eva, the daughter of Walter, the son of Sibald.[1] The descendants of Galfrid and Philip were undoubtedly proprietors of Glenbervie for many generations,[2] and the name of "Galfridus de Glenberuyn" (1178-80)[3] would seem to suggest that already at that date Galfrid de Maleiulle had proprietary rights there. It may be farther noted in connection with this family that the estate of Kemnay in Aberdeenshire belonged to one Andrew Malvyll in 1397,[4] and that both Glenbervie and Kemnay are found in the hands of a member of the great family of Douglas before the middle of the 16th century.[5]

1236. SIR V. PRAT.

In a document entitled "Perambulacio inter Abbotem de Aberbrothoc et Comitissam de Buchan super terris de Taruays," this Sheriff is mentioned.[6] The document itself is dated at Forfar 1st August, 1251; but it appears to be a copy taken from the Crown records by the Abbot of Dunfermline and certified by him, of the settlement of this dispute, on 3rd August, 1236. Another difference between the Abbot of Aberbrothoc and Philip of Pheudarg seems to have been settled on the same day. Among those present at these settlements was mentioned "V. Prat tunc vicecomes de Abirden Miles." No other mention of this Sheriff has been found; but about the same period a Henry Prat was Sheriff of Banff,[7] and a William Prat Sheriff of Invernairn.[8]

Before 1263. G. DE MALEUYLL.

In the Exchequer Rolls under date 1264 accounts are given up by "G de Maleuyll quondam vicecomes de Abirden."[9] Gregorius was a family name of the Melvilles at that time as well as Galfridus, and Gregorius de Maleuill is mentioned along with Philip Maleuill as a witness to a Charter of the wood of Trostach in Banchory Ternan to the convent of Aberbrothoc (1233).[10] At a considerably earlier date (1221) we find the name of Gregorius (doubtless Maleuill), Sheriff of the Mearns,

1 *Reg. Vet. Aberbr.*, pp. 6, 62, 66. 2 Douglas *Peer.*, II., p. 10. 3 *Reg. Vet. Aberbr.*, p. 63.
4 *Ant. A. & B.* III., p. 263. 5 Douglas *Peer.*, II., p. 439.
6 *Reg. Vet. Aberbr.*, pp. 161, 2. 7 *Ant. A. & B.*, II., p. 109. 8 *Ibid.*, p. 283.
9 *Exch. Rolls*, I., pp. clxxx. and 12. 10 *Reg. Vet. Aberbr.*, p. 91.

occurring in juxtaposition to that of Philip Maleuill, Sheriff of Aberdeen, in the Petmengartenach Charter already alluded to.[1]

Unfortunately the date of this Sheriff's accounts cannot now be ascertained, but such evidence as exists points to his having been the immediate predecessor of Andreas de Garuiach.

1264. ANDREAS DE GARUIACH.

Neither the Melvilles nor the Prats derived their names from any place in the north-east of Scotland; but the Garioch is a name as familiar to us now as it must have been when the Lord of the Garioch, one of whose kinsmen Sir Andrew probably was, took his title from it. Isabel, the second daughter of David, Earl of Huntingdon, succeeded her brother John in the superiority of the Garioch, which thus ultimately descended to her great grandson, King Robert I. This Sheriff was therefore probably related to the family of Brus as well as to the Royal house, and on this assumption it was quite natural that he should be a witness to a deed of excambion granted by Robert de Brus, Lord of Annandale, in 1261, dealing with the lands of Williamston, near Insch and Boynds, in the Parish of Inverurie.[2] He also acted not infrequently as a witness to Charters granted by the reigning monarch, Alexander III. In 1264 and in 1266 he rendered accounts in Exchequer as Sheriff of Aberdeen, and it is worthy of note that in the earlier of these accounts he takes credit for an outlay of £10 for expenses at Aberdeen and Kintore in connection with the King's journey to and from Morayshire.[3] In 1273 Sir Andreas de Garuiach was one of the witnesses to a pious grant by Alexander Cumyn, Earl of Buchan, to a religious foundation at Turriff,[4] but unfortunately no Sheriffs' accounts exist between 1266 and 1288, and so the materials for determining the duration of his term of office are wanting.

1290. SIR WILLIAM DE MELGDRUM.

It is impossible to fix the date of Sir William Melgdrum's appointment or the duration of his Sheriffship; but some facts about him have

1 *Reg. Vet. Aberbr.*, p. 179.
2 *Chartulary of Lindores* (Scott. Hist. Society), p. 146.
3 *Exch. Rolls*, I., pp. 11, 12, 34, and clxxx. 4 *Reg. Episc. Abd.*, I., p. 34.

been ascertained. The first of the family who acquired foothold in the County of Aberdeen was his grandfather, Sir Philip of Fedarg or Pheudarg, whose connection with Aberdeenshire is fixed by two ancient writings, both referring to subjects in the parish of Tarves. One of these has already been alluded to (1236) as occurring in the Sheriffship of V. Prat.[1] The other, the date of which is uncertain, is a grant by the Abbot of Aberbrothoc to Sir Philip of the lands of Auchnieve, for which he was to pay half a mark yearly.[2] The description of the boundaries seems to indicate that at one point Auchnieve marched with land already belonging to Sir Philip. The son of Sir Philip of Pheudarg seems to have assumed the surname of Melgdrum either in addition to or as superseding his former surname; and it may be noted in this connection that there are various farms in the parish of Tarves still called Meldrum. This son, who was also Sir Philip, married Lady Agnes Cumyn, daughter of William and sister of Alexander, Earl of Buchan, becoming in this way closely connected with a family who were prominent supporters of Balliol in his claim to the throne of Scotland. He and his wife had a dispute with the Abbot of Aberbrothoc about the Church of Belhelvie, which was settled by an Ordinance of the Bishop of Aberdeen, signed at Inverurie in February, 1262.[3] Again in 1273 we find Sir Philip and his son Philip, the subject of this notice, witnessing at Kelly the grant by Alexander Cumyn, Earl of Buchan, of an Almshouse at Turriff already referred to.[4] To this deed Fergus Cumyn, the Earl's brother, was also a witness. This brings us to Philip the Sheriff, who rendered accounts in Exchequer in 1290, the account for Banffshire being rendered at the same time by John, Earl of Buchan, his cousin.[5] In the spring and autumn of 1292 Sir William Meldrum, Sheriff of Aberdeen, makes payments to John de Gildforde, Castellan of Aberdeen.[6] Joining in Balliol's uprising, he must have lost the Sheriffship and been forfeited, for he made submission and swore fealty to Edward I. at Berwick-on-Tweed on 28th August,[7] while a few days later, on 3rd September, there is a writ addressed to the Sheriff of Aberdeen to restore his lands to him.[8] Sir Philip was still alive in 1299-1300, when he attended a justiciary court in Aberdeen

1 *Reg. Vet. Aberbr.*, pp. 161-2. 2 *Ibid.*, p. 195. 3 *Ibid.*, pp. 192-3.
4 *Reg. Episc. Abd.*, I., p. 34. 5 *Exch. Rolls*, I., p. 49.
6 *Cal. Doc. Scot.* (Bain), II., Nos. 587 & 644, pp. 140 & 149.
7 *Ibid.*, No. 823, p. 209. 8 *Ibid.*, No. 832, p. 218.

"juxta castrum de Abirden in loco qui dicitur Castelsyd"[1]; but he must have died before 1306-7, when we find that the ward and marriage of his son and heir Thomas, then a minor, had been granted to Sir Thomas de Chaucumbe and sold by him to Sir Robert de Keth.[2]

1297. HENRY DE LATHUM.

It is stated by the author of *Inverurie and the Earldom of the Garioch*[3] that after the suppression of Balliol's revolt, King Edward made Gartney, the son of the Earl of Mar, then or afterwards married to Christian Bruce, and Bishop Henry Cheyne his Sheriffs in Aberdeenshire. Whether that was so or not—and no sufficient evidence of such an appointment has been found—there is no doubt that Gartney and the Bishop were, together with John, Earl of Buchan, Constable of Scotland, at that time engaged, with the knowledge and approval and probably with the express authority and commission of the English King, in suppressing certain disorders in the north-east of Scotland. It has been seen, however, that immediately after Sir Philip Meldrum's submission an order was given to the "Sheriff of Aberdeen" to restore him to his estates, and the likelihood is that when Edward I. left Aberdeen on his way south in July or August, 1296, the Sheriff in charge of Aberdeenshire was Henry de Lathum. On the very day indeed (11 June, 1297) when the King was addressing a letter to Gartney, he was writing to "dilecto et fideli suo Henrico de Lathum vicecomiti de Aberden."[4] In this letter the King requires de Lathum to be diligent in repressing the serious disturbances of the peace and numerous crimes which were reported to be rife in those parts. So far as can be judged by the event, the Sheriff not only failed in his duty but leaned to the side of the Scots, for on 1st August, 1297, the Earl of Warenne writes Edward that he had taken steps to capture de Lathum,[5] while six months later (6th Febry., 1297-8) the Sheriff of Lancaster is directed to seize the lands of Henry de Lathum "a rebel and adherent of the Scots."[6] The family of de Lathum seem to have hailed from Lancashire. One of the name, Robert de Lathum, was Sheriff of Lancaster in 1251-2,[7] and another, also

1 *Reg. Vet. Aberbr.*, p. 164. 2 *Cal. Doc. Scot.*, II., No. 1983, p. 527.
3 *Inverurie and the Earldom of the Garioch*, p. 41.
4 *Rotuli. Scot.*, I., p. 41. *Ant. A. & B.*, IV., p. 704.
5 *Hist. Doc. Scot.* (Stevenson), II., p. 217. 6 *Cal. Doc. Scot.*, II., No. 972, p. 249.
7 *Ibid.*, I., Nos. 1796 & 1861, pp. 333 & 349.

Robert, was, along with four others, ordered by King Edward (19th March, 1306-7) to raise 1000 footmen in Lancaster, who were to form part of a force which was being assembled at Carlisle "to pursue Robert de Brus and his accomplices who were lurking in the moors and marshes of Scotland."[1]

1299-1300. JOHN EARL OF ATHOLE.

The evidence of the Sheriffship of the tenth Earl of Athole is his being designed as "tunc vicecomes de Abirden" in the record of the Court of Justiciary in the "Castelsyd" at Aberdeen referred to in the notes upon Sir William Meldrum.[2] He became a staunch adherent of Robert the Bruce, was present at his coronation, and being taken captive by Edward, was condemned to death and executed in London, in November, 1306.[3]

1303. SIR ALEXANDER COMYN.

It may be assumed with some confidence that Sir Alexander Comyn succeeded the Earl of Athole as Sheriff of Aberdeenshire. He twice accounted as Sheriff in the 32nd year of Edward I.,[4] which, if his accounts were for the year then current, would place him in office in 1304. It is stated, however, in the *Records of Aboyne*[5] that he was Sheriff about the time of King Edward's visit to Aberdeenshire in 1303. Some difficulty arises in distinguishing between this Sir Alexander Comyn and Sir Alexander Comyn of Badenoch, who was a co-temporary. Both names, but without any territorial designations, occur on the Ragman Roll, one as having submitted at Elgin on 27th July, 1296, and the other on 28th August at Berwick-on-Tweed.[6] The latter might very probably be Sir Alexander of Buchan, his brother John, Earl of Buchan, being one of those swearing fealty on the same day. Both the Earl and Sir Alexander took oath on 6th June, 1297, to serve the King of England against the King of France.[7] It is of course obvious from his having been appointed Sheriff that he had fully gained the confidence of the

1 *Cal. Doc. Scot.*, II., No. 1913, p. 508.
2 *Reg. Vet. Aberbr.*, p. 164. 3 Douglas *Peer.*, I., p. 133.
4 *Cal. Doc. Scot.*, II., No. 1646, pp. 438-9. 5 *Records of Aboyne*, pp. xxx. & 363.
6 *Cal. Doc. Scot.*, II., No. 823, pp. 195-6. 7 *Ibid.*, Nos. 888, 9, p. 233.

English authorities, and this is farther borne out by the fact that Edward I. in 1304 acceded to his request for delivery to him of Aboyne Castle. On the intervention of the Earl of Athole, however, who represented that Sir Alexander Comyn had already got Urquhart and Tarwedale Castles and had besides the Castle of Aberdeen at his disposal, the order for delivery of Aboyne Castle was suspended.[1] About the same period various petitions were laid by Sir Alexander before the King, and among them was one for re-imbursement of his expenses while Sheriff, and another for letters of protection against those whom he might have displeased in the discharge of his office.[2] The supremacy of the Comyns in Aberdeenshire came to an end with the "harrying of Buchan" which took place after the Battle of Inverurie in 1308, although after Bruce's death and during the temporary success of Edward Balliol, Edward de Beaumont, who had married Alice, the elder daughter of Sir Alexander Comyn,[3] assumed the title of Earl of Buchan, and sat in Balliol's parliament at Edinburgh on 10th February, 1333-4.[4]

1304-5 SIR ROBERT KEITH,

Marischal of Scotland.

The name of Sir Robert as Sheriff has not been found in any official document, but about this time he appended his seal to a conveyance of Ledyntosach and Rothmase in the Garioch, by Duncan, son and heir of Helen, daughter of Adam of Rane, in favour of Henry of St. Michael, dated January, 1304-5, in the testing clause of which he is designed Sheriff of Aberdeen.[5] His history, like that of many of the Scottish barons of the period, was marked by alternations of policy in public affairs, although less so in his case than in the case of many others. He had a grant of the lands of Keith from Balliol in 1294.[6] In the subsequent rising against the English supremacy he took part, and, as his name does not appear on the Ragman's Roll, he must have adhered steadfastly to the national party. On 20th August, 1299, he was made Warden of Selkirk Forest on behalf of the guardians of Scotland, with instructions to raid the English marches.[7] A year later he was a prisoner

1 *Cal. Doc. Scot.*, No. 1633, p. 435. 2 *Ibid.*, No. 1617, p. 431.
3 Douglas *Peer.*, I., p, 265. 4 *Scots Acts*, I., p. 180. 5 *Reg. Episc. Abd.*, I., pp. 38-40.
6 Douglas *Peer.*, II., p. 186. 7 *Cal. Doc. Scot.*, II., No. 1978, p. 525.

at Carlisle and considered too dangerous a rebel to be allowed to remain so near Scotland. He was therefore, by the orders of Edward I., transported to Nottingham, there to be kept separate from his fellow-prisoner, Robert de Barde.[1] At Michaelmas of the same year he was a prisoner at York, under orders for Bristol, while de Barde was sent to Gloucester.[2] In his accounts on 19th October, 1304, the Sheriff of Northumberland charges the expense of conducting Keith and four other Scotsmen from Newcastle to Berwick in 1303.[3] It would appear, therefore, that if he had not actually been received to the King's peace in 1303, he had made overtures of submission. He had certainly finally submitted before Martinmas, 1303, because in two petitions laid by him before the King at that time he is said to have come to the King's peace.[4] We next find him dining with the Prince of Wales at Perth, on 2nd February, 1303-4,[5] and as one of the Scottish Commissioners agreeing, in September, 1305, to King Edward's ordinances for the government of Scotland and accepting high office under them.[6] From this time he was an officer of State under King Edward I., and receiving pay so late as about 18th July, 1307, when he was with Aymar de Valence, the King's lieutenant, near Ayr.[7] This was a few days after the death of Edward I., and when we next have definite knowledge of Sir Robert's movements, he was materially assisting Robert the Bruce to achieve victory at Inverurie.

As a reward he got a grant of Hall Forest, near Kintore.[8]

At the battle of Bannockburn Keith, who was in command of the Scottish horse, rendered important service at a critical moment, contributing greatly to the completeness of the victory.

His services were not unrewarded, and when the Comyn lands in these northern parts came to be divided among the close friends of the King, the Keiths had their share, obtaining a grant in November, 1324, which settled them, alongside of the Hays, Frasers, Irvines, and Burnards (Burnet) as great landholders in Aberdeen and Kincardine.[9]

His name appears frequently as a witness to Crown grants, and

1 *Cal. Doc. Scot.*, II., Nos. 1147, 1148, p. 292.
2 *Ibid.*, No. 1159, p. 295. 3 *Ibid.*, No. 1602, p. 420.
4 *Ibid.*, Nos. 1406, 1409, pp. 362-3. 5 *Ibid.*, No. 1516, p. 393.
6 *Ibid.*, No. 1691, p. 457. 7 *Ibid.*, No. 1955, p. 520.
8 Robertson's *Index Missing Charters*, p. 2. 9 *Scots Acts*, I. p. 122.

especially there may be mentioned Robert the Bruce's grants to Aberdeen of 24th October, 1313, and 8th and 10th December, 1319.[1]

Sir Robert was killed at the battle of Dupplin on 12th August, 1332 —"cum plerisque ex familia nobilibus"—as Boece has it.

1305. SIR NORMAN DE LETHELYN (LESLIE.)

This Sheriff was appointed by Edward I. in his Ordonnance for the Government of Scotland issued in September of this year.[2] He appears in the *Historical Records of the Family of Leslie* as Sir Norman de Leslie, the fifth of that ancient family. Like many others he swore fealty to Edward I. in 1296 at Aberdeen on July 15th, and at Berwick on August 28th,[3] and renounced the French Alliance, with regard to which Col. Leslie, the compiler of the records, makes the following observation :—"Probably it was for compliances such as these, of which it would be difficult to fix the adequate blame, but which no patriot can consider excusable, that King Edward appointed Sir Norman de Leslie Sheriff of his native County of Aberdeen in 1305." He seems to have died between 1314, when he sat in Bruce's Parliament at Cambuskenneth, and 1320 when his son, Andrew, appears as Sir Andrew de Leslie.

1320-4. SIR WALTER BERKELAY.

The official evidence of the Sheriffship of Sir Walter is found in the records of the Black Parliament held in Scone in August 1320, where the name of "Walter de Berclay Vicecomes de Abirdonia" appears on the list of those accused of treason.[4] An account of the plot against King Robert the Bruce's life, and of the trial of the various persons accused, is given in Tytler's History under this date. Several of those tried were found guilty and suffered the penalty of death, but Berkelay was acquitted. The King must have been satisfied with this verdict, for we find Berkelay holding the office of Sheriff four years later.

By one of King Robert's Charters to the Burgh of Aberdeen dated 25th September, 1324, the Burgesses and Community were freed for ever from all manner of assize (or custom) of Ale and Fish both red and

1 *Abd. Charters*, pp. 11, 12, 14. 2 *Scots Acts* I., p. 15.
3 *Cal. Doc. Scot.*, II., pp. 195, 203. 4 *Fordun Lib.*, xiii., *Cap. L.*

white, with this reservation that they should "pay and fully account for the said duty to Walter of Berkelay, Knight, our present Sheriff of Aberdeen, so long as he shall continue to be our Sheriff there."[1]

Some facts in the history of Sir Walter may be noted. His name appears as having done homage to Edward I. on March 14th., 1296.[2] He was taken prisoner at Dunbar and ordered (May 16) to Berkhamstead[3] to which he seems to have been transported at once, for the Sheriff of Bedford and Berks had allowance in connection with his maintenance there on the 31st of that month.[4] In March 1296-7 the Sheriff of Bedford and Buckingham had allowance for his maintenance at Berkhamstead to Michaelmas, 1296.[5] Like many others in the same position, he undertook to serve King Edward in France or elsewhere, and John, Earl of Athol, and others were securities for him.[6] A glimpse of him as having been at Sandwich waiting to cross over to Flanders is found in an account (without date) for the expenses of him and a number of other Scottish knights and esquires.[7]

When next met with he is in Aberdeen sitting in a Justiciary Court there in Lent, 1299-1300, in company with Bishop Henry le Chen and a number of other local magnates.[8] Apparently Sir Walter had obtained some foothold in these Northern parts by this time, for King Edward appointed him Sheriff of Banff in 1305.[9] It is quite clear, however, that he must subsequently have espoused the cause of Robert the Bruce, for, besides his grant from the customs of Aberdeen, he had a Charter from King Robert of the Thanage of Belhelvy.[10] Sir Walter resigned his right to the customs of Ale and Fish to the Burgh of Aberdeen on the Monday preceding Christmas day, 1324,[11] and probably the office of Sheriff also.

1325. JOHN DRIMMYNG.

The name of this personage occurs only once, so far as has been ascertained, in books or documents relating to the County, and but for

1 *Abd. Charters* pp., 14, 15
2 *Cal. Doc. Scot.*, II., No. 730, p. 169. 3 *Ibid.*, No. 742, p. 176.
4 *Hist. Doc. Scot.*, II., p. 51. 5 *Cal. Doc. Scot.* II., No. 875, p. 230.
6 *Ibid.*, No. 942, p. 242. 7 *Hist. Doc. Scot.*, II., p. 140.
8 *Reg. Vet. Aberbr.*, I., p. 165. 9 *Scots. Acts* I., p. 15.
10 Robertson's *Index Missing Charters*, p. 2.
11 Man's *Introduction to Scots Affairs*, p. xvii.

the importance of the enquiry at which he presided, and the authorative character of the record of it, there might have been hesitation in placing him on the list of Sheriffs.

A dispute had arisen as to the boundaries of Ardlogy, belonging to the Abbot and Convent of Aberbrothoc and the King's Park of Fyvie, and as to the right of the burgesses of Fyvie in the Peat Moss of Ardlogy. A Breive was directed by King Robert I. to Sir Alexander Fraser, Chamberlain of Scotland, to hold, by himself or a locum tenens, an enquiry into the rights of parties. This enquiry was held on the ground in August, 1325, by John Drimmyng, Sheriff of Aberdeen, acting as locum tenens for the Chamberlain. A large number of persons were present either as jurors, or witnesses, or both, and the case was decided in favour of the Abbot.[1] Comparatively obscure persons were sometimes appointed Sheriffs *in hac parte* or *pro hac vice;* but it would rather appear that in this instance the Chamberlain selected Drimmyng, not as a Sheriff of that kind, but chose him as his substitute, because he was Sheriff of the County.

1328. SIR JOHN BROWN.

Dominus Johannes Brovn renders accounts in Exchequer in 1328.[2] On the disappearance of the Comyns from Buchan he seems to have succeeded them, getting a Charter from King Robert the Bruce of the Thanedom of Fermartine.[3]

Of old, this family held the Lands of Midmar. In speaking of the small following, which Wallace had from among the landed gentry in Aberdeenshire, Mr Watt, in his *History of Aberdeen and Banff*, writes:— "Sir Adam Brown, the knight of Midmar, was, however, a supporter of Wallace, and fell in the battle of Falkirk."[4] According to Dr Temple, Sir John was a son of Sir Adam.[5] There was a quarrel in 1368 between a John Broune of Migmar and Robert of Umfraville, when, by Royal Command, they were put under penalty of £500 to keep the peace, the

1 *Reg. Vet. Aberbr.*, I., p. 310; also *Ant., A. & B.*, I., p. 195, III., p. 545.
2 *Exch. Rolls*, I., pp. clxxxi, 197.
3 Robertson's *Index Missing Charters*, p. 17; also *Exch. Rolls*, I., pp. 353, 419.
4 *History of Aberdeen and Banff*, p. 62.
5 *Thanage of Fermartyn*, p. 19; see also p. 431 *infra*.

cautioners for the former being John, Earl of Mar, and Sir Duncan Walays, and for the latter, Sir William Keith.[1]

Other notices found of Sir John are these—He was one of the witnesses to a Charter of Confirmation by Donald, Earl of Mar, to the Monks of St Mary, of Cupar, 1332.[2]

A jury sat on 4th June, 1333 "apud montem hospitalis de Aberden" to enquire into the title of Reginald of Rane, who claimed to have hereditary right to the Lands of Ledintosach and Rotmase with their pertinents. Sir John Brown is first named on the Assize, and also as first appending his seal to the verdict.[3]

It seems as if he had, at one time, held land in Tullynessle, for, in a dispute between the Bishop of Aberdeen and the Laird of Forbes about 1390-1, with regard to a portion of the Lands of Tirepressy, one of the arguments for the Bishop was this—" Item Ser Jone Broun Knycht, held quhilom, the lands of Tirepressy, of the Bischape and the Kirk of Aberdene, and that time he had his shepcotis and schephirdis housis upon the landis of Lurgyndaspok as portenances of the landis of Tirepressy.[4]

Another argument was that Lurgyndaspok meant Bishop's leg, and that, therefore, the land must have belonged to the Bishop.

1335 & 1343. SIR ROBERT KEITH,
Marischal of Scotland.

It is not clear from the Exchequer Rolls at what period Sir Robert first became Sheriff, or during what period or periods he held the office, but entries in the Rolls prove that he did so at some time prior to 1347.[5] At that time both he and Alexander Fraser of Ewnysedale, who had also previously held the office, were deceased, and it was ordained that their heirs should be called to account for their intromissions. It has been found possible, however, to fix dates approximately from other sources.

Sir Robert succeeded his grandfather, who was slain at Dupplin in August, 1332, and, singularly enough, it is in connection with another deed of sale of land at Ledyntosach and Rotmase,[6] granted by

1 *Scots Acts*, I., p. 148 ; also *Ant. A. & B.*, II., p. 48 and Note.
2 *Ant. A. & B.*, II., p. 313. 3 *Reg. Episc. Abd.*, I., pp. 53, 54.
4 *Reg. Episc. Abd.*, II., pp. 248, 9. 5 *Exch. Rolls*, I., p. 542. 6 *Vide Supra.*

Margaret, another daughter of Adame of Rane, to Henry of St Michael, that we find Sir Robert's name coupled with the office of Sheriff. As his grandfather had done in 1304, so now—10th July, 1335—Sir Robert appends his seal to the deed, at the special request of the granter, being there designed Sheriff of Aberdeen.[1]

Again, as late as March, 1341-2, we find him presiding as Sheriff at an inquest regarding the right of the Bishops of Aberdeen to the second tenths.[2]

Once more, according to a memorandum in the Exchequer Rolls, an account had been rendered by, or on his behalf, at Dundee on 11th August, 1643.[3]

Sir Robert Keith was married to a daughter of Gilbert de la Hay, and left two sons, the second of whom, Edward, succeeded him.[4]

Like his grandfather, he fell fighting for his country, having been among the slain at the Battle of Durham on 17th October, 1346,[5] when King David II. was taken prisoner by the English.

1337. SIR JOHN DE BONNEVILLE.

In this year is recorded in the Exchequer Rolls the account "Johannis de Bonauilla, vicecomitis de Aberden."[6]

On 4th February, 1321-2, Sir John had a grant from King Robert the Bruce of the Lands of Collistoun and two towns of Ardendracht in Buchan.[7] He also appears to have owned lands in Belhelvie, which his successor, also John de Bonneville, sold in 1369 to Sir Walter Moigne.[8]

On 12th January, 1345, John of Boneville, knight, granted the mill of Mundurnach, with a piece of land beside it, sufficient for a house and garden, and two acres to the eastward, to his esquire, Alexander Scissor, to be held for yearly payment to the church of St. Mary of Aberdeen (the Cathedral) of thirteen shillings and four pence sterling.[9]

He was witness to a grant by Christiana de Bruyse, Lady of the Garuiach, and spouse of the late Sir Andrew of Moray, to the Chapel of the Virgin Mary in the Garuyach.[10] Christina Bruce was a sister of

1 *Reg. Episc. Abd.*, I., pp. 62-4. 2 *Ibid.*, I., p. 69.
3 *Exch. Rolls*, I., p. 544. 4 Douglas *Peer.*, II., p. 187. 5 *Ibid.*
6 *Exch. Rolls*, I., p. clxxxi. 7 *Ant. A. & B.*, I., p. 379.
8 *Reg. Mag. Sig.* 9 *Reg. Epis. Abd.*, I., p. 75. 10 *Ibid.*, I., p. 67.

Robert I., and her second husband, Sir Andrew Moray, was twice Regent of Scotland during the minority of David II., and is said to have died in 1338.[1] This grant would be made immediately after the deaths, and was for the safety of the souls of her brother and husband.

Circa 1342. ALEXANDER FRASER OF EWNYSEDALE.

In a grant by William of Melgdrum to the Altar of Saint Lawrence and Saint Ninian in St. Nicholas Church, the date of which is given as 1342, we find "hiis testibus . . . . Alexandro Fraser, Milite Vicecomite de Abirden." This document is printed in the *Ant. Abd. & Bff.*[2] and also more recently in Dr Cooper's *Chartulary of Saint Nicholas.*[3] Great doubt is, however, thrown upon the correctness of the date, 1342, by the noble author of *The Frasers of Philorth*,[4] who gives reasons for believing the correct date to be thirty years later, namely 1372. These reasons, and others which might be adduced, seem conclusive against the date 1342, and, therefore, against the theory that Sir Alexander Fraser of Philorth was then Sheriff.

The entry in the Exchequer Rolls,[5] however, already referred to, makes it perfectly plain that this Alexander Fraser, whoever he was, did, at some time previous to 1347, hold the office. The language of the passage does not, perhaps, quite bear out Lord Saltoun's statement that Sir Robert Keith and Fraser had usurped the office. The word used is "intromiserunt," which is not necessarily inconsistent with the bona-fide exercise of the place, and it is quite conceivable that, in the troubled times between the death of Robert I. and the disappearance of Edward Balliol from the scene, there may have been Sheriffs whose claims to office would not receive recognition from all parties. A reference to the accounts of Adam of Buthirgask (circa 1337), as detailed in the Exchequer Rolls, and commented on by the late Lyon King at Arms, Mr. George Burnett, in his preface, abundantly proves the extraordinary confusion of the public finances throughout that period.[6] In any case, the

1 A most interesting genealogical note upon Sir Andrew Moray will be found in Bain's introduction to Calendar of Documents relating to Scotland, Vol. II., pp. xxix-xxx.

2 *Ant. A. & B.*, III., pp. 44-5-6. 3 Vol. II., p. 20. 4 Vol. I., p. 109.

5 *Exch. Rolls*, I., p. 542. 6 *Ibid.*, I., p. cl., *et. seq.*

fact remains, although the identification of this individual has not been made out.

The territorial designation "Ewnysedale" has not been found, the nearest approach to it being a Fraser of "Ewisdale" in Stirlingshire (at one time a centre of the Fraser family) at a somewhat later date.[1]

1347-58. WILLIAM OF MELDRUM.

This Sheriff was a descendant of Sir William Meldrum, who held office in the end of the previous century, but the present editor has not been able to determine the precise relationship. The family had evidently attained to a position of influence and importance. Sir Philip of Meldrum rendered accounts as Sheriff of Banff at Dundee on 31st July, 1343,[2] and William, the subject of this notice, presented accounts as Sheriff of Aberdeen for the period from Martinmas, 1347, to Easter, 1358.[3] In the accounts, already referred to, of Adam of Buthirgask (circa 1337), a William of Meldrum is referred to as Justiciary,[4] and one of the same name was among the Attorneys for the Burgh of Aberdeen in rendering their accounts at Dundee on 22nd May, 1341.[5] There does not seem to be material for establishing that William of Meldrum, the Justiciary and Attorney for Aberdeen, was the William of Meldrum who was afterwards Sheriff of Aberdeenshire, but it is quite possible. It is laid down in genealogical accounts of the family that the Sheriff of Aberdeen was the son of Sir Philip, the Sheriff of Banff, and that he succeeded, on the death of the latter at the Battle of Durham, in 1346.[6] References to him as Sheriff are found in two documents of the period, the first, a Royal Charter to him of the Lands of Meldrum on 10th October, 1353,[7] and the second, a Charter by Thomas, Earl of Mar, to Adam Strachan and Margaret, his wife (circa 1357) of a davach of land called Glenkenety (Glenkindy), and a fourth part of a davach of Glenboul called Rummor.[8]

1358. SIR WILLIAM DE LEYDELL.

This Sheriff was apparently the immediate successor of William of Meldrum, as he renders accounts in Exchequer beginning from the term

1 *Exch. Rolls*, III., p. 64. 2 *Ibid.*, I., p. clxxxi.
3 *Ibid*, pp. 542, 545. 4 *Ibid*, p. 436. 5 *Ibid*, p. 470.
6 *Thanage of Fermartyn*, p. 687. 7 Douglas *Bar.*, p. 158.
8 *Ant. A. & B.*, I., p. 618.

up to which the latter had accounted.[1] He is mentioned in the accounts of 1361 as having had his arrears remitted.[2] His name appears as a witness (circa 1357) to a Royal Charter of Confirmation of a grant of Lands at Courtestown, in Leslie, by Thomas, Earl of Mar, to John Mar, Canon of Aberdeen,[3] where he is described as "Willelmus de Ledale tunc vicecomes de Aberdene Miles," and in another Charter (1358-9) of the Lands of Abbirgedly (Abergeldy), Ballekadlach (Ballohalloch) in Crathie, Botwaglach (Bovaglie), Tolachavrych, and Tolyocre in Strathdee, granted by Thomas, Earl of Mar, Lord of Cavers and the Garioch, in favour of Duncan, the son of Roger,[4] where he is similarly designed.

The authority for believing Sir William to have been a Provost of Aberdeen is probably not sufficient, and, accordingly, Mr. A. M. Munro has not included him in his list; but, in a genealogy of the Menzies family printed in the Antiquities,[5] it is stated that Gilbert Menzies, eldest son of Sir Robert Menzies of Weyme, Knt., married Marjorie Liddell, lawful daughter to Sir William Liddell, Provost of Aberdeen. It is, of course, quite possible that the compiler of this genealogy, aware that Sir William held an important official position, but not possessing sufficiently accurate knowledge, assumed that the office was that of Provost, while it was really that of Sheriff.

He was possessed of ground in the immediate neighbourhood of Aberdeen, if not within the Burgh, for, in two conveyances of crofts within the territories of the crofts at the end of the Gallowgate on the west of the King's highway from Aberdeen to the Burgh of Kyntor, Sir William is mentioned as the proprietor of ground to the north of them.[6]

1364. SIR WALTER MOIGNE.

An account was rendered to Exchequer on 8th December, 1364, for three terms by this Sheriff.[7] It appears from the accounts of William de Keith, Sheriff of Kincardine, rendered on 5th April, 1359, that at that period Moigne had a grant of the Forest of Drum from the King,[8] which was afterwards (1389) acquired by an ancestor of the Irvines from John Moigne, a successor of Sir Walter.[9] In 1361-2 he was Steward of the

1 *Exch. Rolls*, I., pp. 151-2. 2 *Ibid.*, II., p. 83. 3 *Ant. A. & B.*, I., p. 549.
4 *Ibid.*, IV., p. 715. 5 *Ibid.*, III., pp. 286-8. 6 *Reg. Episc. Abd.*, I., pp. 103-6.
7 *Exch. Rolls*, I., p. clxxxii. 8 *Ibid.*, p. 586. 9 *Reg. Mag. Sig.*

King's house.[1] In the latter year, when he appears to have been knighted, he received £20 for distribution among the King's familiars.[2] For some years previous to 1364, Sir Walter seems to have been custodier for King David II. of the Castle of Kildrummy, which the King had then taken from the Earl of Mar.[3]

Wynton refers to this incident in the following terms :—

"That ilke yere the Kyng Davy
The castel assegit of Kyldrumy,
For the Erl off Mar, Thomas,
Past out off the kynrike wes,
That castel deliverit wes to the Kyng.
Off it he gave than the keping
Till Waltere Monethe a knycht,
That wes bath manly, wys, and wycht.
And tyl hald Ingrame of Wintoun,
A manly sqwyere off renoun.
Bot quhen the Erle off Mar, Thomas,
Agane in Scotland cummyn was,
The Kyng gert that castel fre
Til hym than deliverit be,
Wyth al the law of his land,
This Erle gat in his awyn hand."[4]

On 4th September, 1361, he was one of the witnesses to a grant by David II. to the blessed Virgin Mary at Aberdeen and the Bishop and Chapter of Aberdeen.[5] He was also (presumably in 1364) witness to a grant by Hugh Ross of Philorth, with consent of his brother, William, Earl of Ross, to Adam Pingle, burgess of Aberdeen, of the lands of Folethrowle, where he is designed Sheriff of Aberdeen.[6]

As late as October, 1378, we find Sir Walter at the Manor place of the Forest of Kyntor, acting as a witness to a pious foundation by William de Keith, Marischal of Scotland, Lord of the Barony of Alden, to be paid out of his lands of Achidonald in that barony.[7]

1 *Exch. Rolls*, II., pp. 49-58-82. 2 *Ibid.*, p. 112.
3 *Ibid.*, p. 116 ; also *Fordun Lib.*, xiv., cap. 24.
4 Book viii., Cap. xlvi., Laing's *Ed.* 5 *Reg. Episc. Abd.*, I. p. 90.
6 *Ibid.*, p. 107. 7 *Ibid.*, p. 121.

1369-99. SIR ALEXANDER FRASER OF PHILORTH.

In the Exchequer Rolls of 1369 he is called Alexander Fraser,[1] while a year or two later (1371-1373) he appears as Sir Alexander Fraser.[2] This consists with the statement in the *Frasers of Philorth*[3] that he was not knighted until after 1369. His accounts in 1369 were rendered by Philip of Drumbrek, and in 1373 by John of Forbes.

The dispute between the Bishops of Aberdeen and the Lords of Forbes concerning the piece of land yclept Lurgyndaspok (bishop's leg) which has been already referred to, had, to all appearance, been settled in 1387. The differences had been referred by Bishop Adam of Tynninghame and Sir John of Forbes to amicable compositors, of whom the first named is Sir Alexander Fraser, knight of Philorth, Sheriff of Aberdeen. Among the others were John Keith of Inverugy, Thomas Fraser of Corneton, and John Fraser of Forglen. The agreement (concordia) is dated 20th August, 1387.[4] Bishop Adam of Tynninghame died in 1389, and then the strife broke out again between the new Bishop Gilbert and the Laird of Forbes, but was settled for their lives by an agreement come to at Aberdeen on 5th July, 1391,[5] probably as the result of a cognition conducted by Sir John of Gordon, who had been specially appointed, by Royal Authority, as justiciary depute for the purpose, on 6th April preceding.[6]

Sir Alexander had grants of the Lands of Durris and Cowie in Kincardineshire about 1369, and of Philorth in 1375.[7]

He had already, in the last named year, married Johanna, second daughter of William, Earl of Ross.[8]

He renders accounts in Exchequer again on 18th March, 1391-92,[9] and he sat in Court in Aberdeen on 2nd April, 1397—granting a remission to certain parties charged with murder—inasmuch as the man they killed was "Fugitivus a lege et ad cornu Regis."[10]

It is stated in the history of the family that he continued to hold office until his death, or, at all events, until 1399.

1 *Exch. Rolls*, II., p. 333. 2 *Ibid.*, pp. 364, 426. 3 *Frasers of Philorth*, Vol. I., p. 109.
4 *Reg. Episc. Abd.*, I., p. 176. 5 *Ibid.*, I., p. 188. 6 *Ibid.*, p. 187.
7 *Frasers of Philorth*, Vol. I., pp. 107, 113. 8 *Ibid.*, p. 110. 9 *Exch. Rolls*, III., p. 266.
10 *Ant. A. & B.* IV., p. 85. Original in Charter Room at Philorth.

1381. PATRICK OF CRAWFORD.

This baron, as Sheriff of Aberdeen, rendered accounts to Exchequer at Perth on 12th January, 1381.[1] Previous to this, in 1373, he seems to have been Collector for the Barony of Fedre (Fedderat).[2]

In the following year he is designed Sheriff of Banff, in documents relating to the Lands of Clyntre and Drumoak.[3]

His name is frequently found as a witness to deeds of this period, and he was, doubtless, the Lord of Fedderat.

1382. JOHN FRASER OF FORGLEN.

The author of the *Frasers of Philorth* leans to the view that John Fraser of Forglen, who was a younger brother of Sir Alexander Fraser, acted merely as depute under him. In face of the distinct references to him, as Sheriff, without any such qualification, it is impossible to leave him out of the list of Sheriffs.

In a Court held by Bishop Adam of Tynninghame "super monte sancti Thome Martiris juxta canoniam de Aberdon," on 31st July, 1382, for exhibition of the Charters of the tenants of the Church, and specially to consider the claims of Reginald de Chyne in the Lands of Clyntre (Clinterty), and of Alexander Irvyne in the Lands of Dulmayok (Drumoak), there was present among the laymen, "Nobilis vir Johannes Fraser, Vicecomes de Aberden." Among others present were Patrick of Crawford, Sheriff of Banff; and Adam Forster, Sheriff of the Lothians. The latter was Laird of Corstorphine, a prominent man in his day, and afterwards Sir Adam Forster.[4]

The Bishop of Aberdeen's claim to the second tenths, seemed to be a fruitful source of disputes between him and the barons at this time, and so we find that he and John Fraser were not agreeing about what was payable from the ward of the lands of the Lord of Meldrum. The matter was referred to the Deacon of Aberdeen and Adam Forster on the Bishop's part, and Sir John of Gordon and Mr John Scalpy on Fraser's

1 *Exch. Rolls*, I., p. clxxxii. and *Reg. Episc. Abd.*, I., p. 160.
2 *Ibid.*, II., p. 426. 3 *Reg. Episc. Abd.*, I., pp. 142-3. 4 *Ibid.*

part, with Alexander Scrymechur of Aberbrothoc as oversman or oddman. Afterwards, in the absence of Forster and Gordon, Mr. Gilbert of Greenlaw and Sir Alexander of Straton were chosen. The submission was entered into in the Choir of the Parish Church of Aberdeen in the end of May, 1386, and decree pronounced in the Bishop's favour in the vestry of the Parish Church of Aberdeen on 1st July thereafter.[1]

In 1388, John Fraser acquired from John de Bonneville his lands in Belhelvie, and also Ardendracht.[2] On 31st March, 1388-9 he was a witness to an Indenture for the sale of the Park of Drum by John Moigne to Alexander of Irwyne.[3] On 4th February, 1403-4, he was one of the witnesses to a Notarial Instrument, relating to the settlement of a dispute about the ownership of Fyvie Castle between Lady Margaret de Lindesay, widow of Sir Thomas Coluill, son and heir of Sir Robert Coluill of Oxenhame, and Sir Henry Preston, Lord of Fermartin, who was the husband of Lady Elizabeth de Lindesay. These ladies were the daughters of Sir James of Lindesay. It was found that Coluill and Lady Margaret had sold their right to Preston for £100 sterling in 1397, and that the Castle now belonged to him. Lord William of Keith was the Arbitrator.[4]

In 1388, John Fraser had a Charter of the Lands of Forglen with the patronage of the Church from the Abbot and Convent of Aberbrothoc, as descended from Sir John of Monymusk, knight, and on 11th December, 1411, he resigns these lands in the hands of Walter, Abbot of Aberbrothoc, as his lawful superior.[5]

Circa, 1400-8. DAVID, 1st EARL OF CRAWFORD.

There is no certainty as to the date of the grant of the Sheriffship to the head of the Lindsays, but it may be reasonably assumed that it was about this time.[6] Sir James Lindsay of Crawford, whose wife, Margaret Keith, was a daughter of Sir William Keith, Marischal of Scotland, and heiress of Fyvie, died in 1397 without male issue, his daughters succeeding to Fyvie and other unentailed properties, while Sir David Lindsay of

1 *Reg. Episc. Abd.*, I., pp. 171, 3, 6. 2 *Ant. A. & B.*, I., pp. 289, 379.
3 *Ibid.*, III., p. 295. 4 *Ibid.*, I., pp. 501-2. 5 *Reg. Nigrum Aberb.*, pp. 37, 48.
6 Lives of the Lindsays and authorities there cited, from which most of the statements in this and the other notices of the Lindsay family have been taken.

Glenesk, his cousin, fell heir to the Chieftainship of the family, and to the entailed lands. A halo of romance surrounds the memory of Sir David Lindsay. He fought at Otterburn (1388), and was the hero of the famous knightly joust with Lord Wells on London Bridge, which is celebrated in Scottish minstrelsy, and with which readers of Sir Thomas Dick Lauder's *Wolf of Badenoch* must be familiar. In 1398, Sir David was created Earl of Crawford, which is now first on the Roll of the Earls of Scotland.

Robert III., the second of the Stewart dynasty, ascended the Scottish throne in 1390, and some years after that event, Sir David Lindsay married the Princess Elizabeth Stewart, daughter of Robert II., and sister of Robert III. The first Earl of Crawford was much absent from the Kingdom on public affairs between 1400 and 1406, having been, for about two years previous to the end of 1404 in France in command of a fleet, which cleared the French seas and Bay of Biscay from English cruisers, and after that as an Ambassador to the English Court. The Earl drew an annuity of £80 per annum from the fermes of Aberdeen, and also an annuity from the Customs of Aberdeen. This notable man, the first, as is believed, of the heritable Sheriffs of Aberdeenshire, died in February, 1407-8, at the early age of forty-one.

Circa 1421-39. ALEXANDER, 2nd EARL OF CRAWFORD.

The date of this Earl's birth is not known, but the impression of those acquainted with the family history is that, when he was a hostage in England for the Earl of Douglas (1406-7) he must have been approaching manhood. No evidence has been found of his personally acting as Sheriff of Aberdeenshire, but there is no doubt of the fact that he possessed the office. In an entail executed by him in 1421, the Sheriffship is included, and by a contract between the Earl and Sir Alexander of Forbes (31st May, 1432), he appointed the latter, for a pecuniary consideration, his depute for life, reserving the right to himself and his son, Sir David Lindsay, to exercise the office when actually within the Sheriffdom. The record of his various and important services to his King and country, both at home and abroad, will be found in the family history and public historical documents of the period.

His death took place in 1438-9.

1417-23. SIR WALTER LINDSAY OF KINNEFF.

At this time the second Earl of Crawford was either a minor, or absent from the Kingdom, and, in either case, although in heritable right of the office, unable to exercise it. This is the most probable explanation of the fact that at this time Robert, Duke of Albany, Governor of Scotland, addressed a mandate to Sir Walter, as Sheriff of Aberdeen, directing him to summon the barons to try a brieve of perambulation between the Lands of "Tarwas and Uldnay."[1]

There had been a dispute of very long standing between the Abbots and Convent of Aberbrothoc and the Laird of Udny about their boundaries, which was submitted to an assize at Aberdeen on 22nd November, 1417. Sir Alexander of Forbes presided as Justiciary, specially constituted, and among the barons who passed upon the jury were Alexander de Irwyne, Lord of the Forest of Drum and John de Ogyston, dominus ejusdem, both of whom, along with Sir Alexander Forbes and the other Jurors, appended their seals to the verdict.

On 24th October, 1423, Sir Walter de Lyndesay, Sheriff of Aberdeen, granted a Letter of Resignation of the lands of Cuclerochy and Garry in favour of Alexander Stewart, Earl of Mar.[2]

1438(9)—1445(6). DAVID, 3rd EARL OF CRAWFORD.

He succeeded his father, Alexander, the 2nd Earl, but only two items of interest relating to his Northern Sheriffship or to Aberdeen have been found. One of them is the following letter to his depute, "Schir Alexander of Forbas," dated 18th April, 1443, which, although already printed, may fittingly be reproduced here as illustrative of the relations which existed between an heritable Sheriff and his depute at the period:—

"David Erle of Craufurde and Lorde the Lyndissay to Schir Alexander of Forbas, of that Ilk, knycht, oure deput of the shereffdome of Abirdene, greeting. Forquhy that we ar infourmyt that oure soueren lorde the kyng, with the avise of his counsail, has chargit yhou, as deput of the said sheriffdome, to ger restore agayne to oure cousin and

1 *Reg. Nigrum Aberbr.*, p. 49. 2 *Ant. A. & B.*, IV., p. 183.

alye, Dauid Scrymgeoure, al his gudis that he was spolyheit of, as ye knaw; and als the gudis that Alexander Stewart tuke out of the landis of Pettfoure his maling noghtagaynstanding, as we are infourmyt, yhe haf done litle or nought to oure said soueren Lord's chargis, of the quhilk we ferly mikle, gyf it sa be, considerand the office that yhe bere:—Quharefor we charge yhou in oure saide soueren lorde the Kingis name, that, noghtwythstanding the delay bigane, yhe fulfil and serue oure saide soueren lordis lettres in al fourme and effect as thai proport in thaimself, langing [longing for?] oure said alyis guds to be restoryt, and vtheris things contenit in thaim, as yhe will answere to hym and his counsail thareupon,—for we have new charges thereupon of late. And forther we declare to yhou, that sin oure said cousin and alye has na wyte of the gret hereship [foray] made be the Lorde of Gordone vpon yhou and yhoure frendis, as we are . . . sekirly informyt, we desire and wald that his saide gudis war restoryt agayn, sa that it nedyt us not to entromet tharewith, sin he and yhoure frendis ar bath so nere to us. Gevin under oure seele at Dunde, the viii^{ten} day of Aprile, the yhere of God j^{m} iiii^{c} and xl^{ti} iii."

Two burgesses were admitted by request of the Earl in 1442-4.

His death took place at Finhaven on 13th January, 1445-6, in consequence of wounds received by him when attempting to stop a fight between the Lindsays and Ogilvies at Arbroath a few days previously.

1445 (6)—1453. ALEXANDER, 4th EARL OF CRAWFORD.

This Earl was known as the "Tiger Earl" and "Earl Beardie." He was ambassador to England in 1451. He took a leading part in conspiring against the Crown, and after the assassination of the Earl of Douglas in Stirling Castle in February, 1451-2, rose in rebellion. Alexander, 1st Earl of Huntly, who had been appointed Lieutenant-General of the Kingdom in place of Douglas, raised an army for the King, and encountered and defeated Crawford and his followers at the Battle of Brechin on 18th May, 1452. The latter, however, continued ravaging the lands of the King's supporters, and was denounced as a rebel, and his lands, titles, and offices—among the latter the Sheriffship of Aberdeen—forfeited. After being deserted by the other rebellious Earls, he

submitted to the King in April, 1453, and was pardoned and restored to all his lands and honours. He did not long survive, his death taking place in September of that year.

It is stated[1] that in 1606 a public record was extant, from which it appears that "in the Court of Aberdeen Domini Alexandri Lindsay, comitis de Crawford, Vicecomitis de Aberdeen, et Alexandri, domini Forbes, sui Deputati militis," a precept written in English dated 12th July, 1447, was directed by King James II. to the Lords of Exchequer, directing them to remit to Lord Forbes the arrears in his last accounts. The Earl also presided at a Court in Aberdeen on 6th October, 1450, when Henry Cheyn took Instruments that a protest made against his entering a suitor for the Lands of Essilmund was of no force. Among the witnesses were Sir John Forbes, Knight; Walter Lindesay, brother of the Earl; Walter de Ogilvy, Sheriff of Angus; Alexander Douglas, and Gilbert Menzies, burgesses of Aberdeen.[2]

1452-3. ALEXANDER, 1st EARL OF HUNTLY

During the few months of the forfeiture of the "Tiger" Earl of Crawford, the office of Sheriff of Aberdeen seems to have been conferred upon Alexander, first Earl of Huntly, and, although his tenure was of a very temporary character, it is fitting that he should find a place here.

1457. WALTER LINDSAY OF KINBLATHMONT OR KILBRACHMONT, SHERIFF TUTORIAL.

Walter Lindsay was the uncle of David, 5th Earl of Crawford, and, while his nephew was under age, he acted "nomine tutoris magnifici domini David Earl of Craufurde." In the famous dispute about the Earldom of Mar, Robert, Lord Erskine, had obtained a verdict in his favour as heir from an Aberdeen Assize. King James II. was determined to upset this verdict and obtain the succession for the Crown. And so a Court of Justice Ayre was held in Aberdeen in this year, in which the former verdict was challenged as being erroneous. King James was present, and was surrounded by a great number of prelates

1 *Misc. Maitland Club*, I., p. 379. 2 *Ant. A. & B.*, III., pp. 7, 8.

and nobles; but Lindsay, as acting for his nephew, the heritable Sheriff, presided. As might have been expected, the new jury and the witnesses (some of the latter are said to have been privately interviewed by the King) were amendable to the Royal desires, and returned a verdict directly in the teeth of the former.[1]

In proceedings of a much later date, in the Supreme Court, for the reduction of a series of Charters of the Earldom of Mar, Walter Lindsay is described as "Schireff of the Schireffdom of Abirdein for the tyme in name of umquhill David Earle of Craufurde and his tutouris Schireff principall of the Schirreffdome of Abirdene."[2] This designation is noted, because the term "Sheriff principal" is, for the first time, so far as has been observed, used in describing the Sheriff.

A Walter Lindesay was admitted a burgess of Aberdeen in 1442-3 at the request of Ingelram, the Bishop of Aberdeen, the cautioner being Duncan de Clat.[3]

The following quotation from the *Lives of the Lindsays* regarding Walter Lindsay may suitably be given here :—"Lord of Beaufort and the Aird, in Inverness-shire, and of Glenesk, Ferne, Edzell, Kinblythemont, and Panbride in Angus, Walter was a powerful baron, of great talent and unscrupulous ambition."

1461-95. DAVID, 5th EARL OF CRAWFORD AND DUKE OF MONTROSE.

When Earl "Beardie" died in 1453, his son, David, was in minority, having been born in 1440, and the office of Sheriff was exercised, as we have seen, by his uncle, Sir Walter Lindesay of Kinblythemont or Kinblathmont in Angus, his tutor, in his name. At a later period we find Alexander Douglas, John of Ogstoune, and Alexander Irvine of Drum acting successively as his deputes. This Chief of the Lindsays fills a large space in the history of Scotland, and the larger affairs of the Kingdom would doubtless prevent his personally attending to the duties of the Sheriffship of Aberdeen, and no trace of his doing so has been found. It must, however, be noted in this connection that in 1474 his son, Alexander, Master of Crawford, had a grant, upon his father's resignation, of the lands and barony of Tulenahilt, Tulebrok, and Newpark in

1 *Ant. A. & B.*, IV., pp. 205-13 2 *Ibid.*, p. 257. 3 *Misc. New Spalding Club.*

Aberdeenshire, together with the office of Sheriff, but reserving the Earl's liferent. Among his other offices he was appointed High Admiral of Scotland in 1476, Master of the Household in 1480, Chamberlain about 1483, Joint High Justiciary of the North in 1487. On 18th May, 1488, he was created Duke of Montrose. He was an attached supporter of James III., sharing in his defeat at Stirling or Sauchieburn in 1488, and suffering deprivation of his public offices and Dukedom in consequence. He died in 1495, his latter years saddened by a domestic tragedy, his eldest son, Alexander, having met his death, as it was believed, at the hands of his younger brother, John, afterwards 6th Earl of Crawford.

1474-89. ALEXANDER, MASTER OF CRAWFORD.

The Master of Crawford's title to the office of Sheriff is set forth in the preceding article, and there is evidence of his having exercised it by appointing Sir Alexander Gordon of Midmar a Sheriff-depute, as afterwards more fully noticed. His death took place in the autumn of 1489, grave suspicion in connection with that event attaching to his younger brother, John, afterwards 6th Earl of Crawford.

1495-1511. JOHN, 6th EARL OF CRAWFORD.

It is this Sheriff whom we find exercising the office, when the earliest existing Diet Book begins. Before that date (July, 1503) he accounts to Exchequer, but in October, 1503, he sits in the Michaelmas Head Court in Aberdeen, at which a large amount of business was transacted. On two other occasions—the Yule Head Court in January, 1506-7, and the Michaelmas Head Court in 1508—he is mentioned in the Diet Books as presiding. At the first of these Courts, Alexander, 3rd Earl of Huntlie, was served heir to his father, George, 2nd Earl, in the Lands of Collerlys; Elizabeth and Janet Ogistoune were served heirs portioners to their father, Walter Ogistoune, in the Lands and Barony of Polgovny and Lands of Schethin, Ravystone, and Craigy.

At the Court in October, 1508, one of the cases was an action by "ane nobile ande michtie Lord Williame Erle of Errole Lord Hay," &c., &c., against "Johnne Forbes of Petsligo" for the violent occupation of the "Manys of Petsligo" to which the Earl had right during the lifetime of

Isabele Wemis, lady of the terce of said lands, who had assigned her liferent to him. On the same day Gilbert Menzeis was served heir to his father David Menzeis, in the Lands of Mid Pitfodels, and Katherine Wricht the widow of David was served to her terce of these lands."

Earl John would seem to have still had at this period some of the family's former territorial connection with the County of Aberdeen. Evidence of this is afforded by certain proceedings in the Sheriff Court of Aberdeen on 30th September, 1505.[1] The family of Annand, who appear in Aberdeenshire at least as early as 1368, were in possession of Auchterellon in the middle of the 15th century; but when Alexander Annand, for whom William Master of Erroll appeared, presented a breive from Chancery for service as heir of his father, Henry Annand, Mr. Henry Lindesay, procurator for the Earl of Crawford, opposed it, producing a letter of recognition of the lands under the seal of the Earl. His action seems to have stopped the proceedings for the time, and the Master of Erroll protested for remeid of law before witnesses, among whom were Sir Alexander Irvine of Drum, Sir William Fraser of Phillorth, Sir Gilbert Hay of Ardendracht, and Sir John Rutherford. No record of the service of Alexander Annand has been found, but his name frequently appears subsequently as Alexander Annand of Auchterellon, and his mother was served to her terce in January, 1505-6.[2] On the other hand, there was a grant under the great seal of these and other lands, of new constituted into a Barony, in favour of the Earl of Crawford on 30th July, 1507.[3] What would seem to have happened was that one of the Crawford family had alienated the lands without resignation or Royal charter of confirmation, and that the proceedings alluded to were for the purpose of putting the title in order.

The Earls of Crawford were also at this time superiors of the lands of Tillybirloch, Tillinhilt, Bandodle, with the Comers and Auchorie in the parish of Midmar, which were conveyed by David Strachan to Alexander Skene of Skene on 16th April, 1504, and confirmed by John, Earl of Crawford, on the following day,[4] while there is a grant of these lands by Alexander, 7th Earl of Crawford, to Alexander Skene, son of above, dated at Brechin, 8th May, 1514.[5]

1 *Ant. A. & B.*, Vol. III., p. 42, and *Register of Sasines, Burgh of Abd.*, Vol. II., M.S.
2 *Supra*, p. 17. 3 *Reg. Mag. Sig.* 4 *Ant. A. & B.*, II., pp. 44-5.
5 *Ibid.*, p. 45.

Perhaps, however, the most interesting feature of John, Earl of Crawford's connection with the County of Aberdeen was his dealing with the offices of Sheriff and Sheriff-depute. He was a spend-thrift, and so we find him borrowing from William Hay, Master of Erroll (6th February, 1502-3) 440 marks. In exchange, the Master was to be infeft in 22 marks worth of land in Angus or Mearns, and to receive a valid appointment to the office of Sheriff-depute of Aberdeen.[1] Seven years later (7th January, 1509-10) another loan of 600 marks resulted in an obligation by the Sheriff to grant a procuratory of resignation of the Sheriffship in favour of the same lender, William Hay, now Earl of Erroll, but with power of redemption—the office of Sheriff-depute, however, being reserved to the Earl of Erroll for his lifetime. Both the contract and the right to redeem received Royal approval, and on 10th February, 1510-11, there was a grant to the Earl of Erroll under the great seal.[2] One feature of the transaction was that the outgoing assigned to the incoming Sheriff a sum of 1600 marks due to him by Alexander Bannerman of Watertown, the working Sheriff-depute at that period. This sum would probably be the amount of fees which, according to the Sheriff's estimate, Bannerman had failed to account for. Still another borrowing remains to be noticed. In November, 1512, the Earl of Crawford binds himself not to exercise his power of redemption during the lifetimes of the Earl of Erroll and his son William, and the sum to be paid on redemption is increased from 600 to 700 marks.

Perhaps the following passage from the pen of the noble Author of the *Lives of the Lindsays* may be quoted by way of a short summary of the life and character of this Sheriff:—

"John, Master of Crawford, had, in the meanwhile, succeeded to the Earldom of Crawford, but did not assume the Dukedom of Montrose. His career was not a happy one—his extravagance was great; he alienated lands held *in capite* of the Crown, and thus fell into bad odour with the Sovereign; he was induced to resign the hereditary Sheriffdom of Aberdeenshire, which was not regained for many years after his death; the charge of fratricide hung over his head through life, and his children all died in infancy. But rays of light are seldom wholly absent

1 *Erroll Charter Chest.* 2 *Reg. Mag. Sig.*

from the moral landscape, and I may cite his appointment in 1503, conjointly with Huntley, Argyle, Marischal, and Lord Lovat, to the Government of Scotland from Tay to Shetland; his foundation, in 1506, of a daily mass and requiem at the great Altar of the Franciscans of Dundee, for the souls of his father, his elder brother, his wife, and himself, together with daily special absolution at the 'epitaphium' or Cenotaph of the Earls of Crawford, in the said Church of the Franciscans—and finally, his death at Flodden in 1513—as redeeming features in his history."

1511-1513. WILLIAM, 4th EARL OF ERROLL.

On two occasions before the transference of the office of Sheriff was carried out, as detailed in the foregoing notice of John, Earl of Crawford, and in corroboration of it, we find the Earl of Erroll sitting on the bench of the Sheriff Court under the designation of Sheriff-depute—9th April, 1510,[1] and 7th January, 1510-11—while on 13th March, 1510-11,[2] and on 29th April, 1511, he presided as Vicecomes or Sheriff. On the earlier two occasions he sat along with Alexander Bannerman of Waterton, who had been Sheriff-depute for a considerable period; but on the third occasion he of new grants Commissions to Bannerman, and also to Gilbert Menzeis (of Findon) Provost of Aberdeen, as his Deputes. During the remainder of 1511 he occupied the bench on several occasions, both alone and along with the Deputes.

In this Sheriff's time, disputes arose between him and the Provost and Baillies of Aberdeen regarding their respective jurisdictions in criminal cases arising within the Burgh ("the punysing of trubbil and blude that happinit among nychtbours of the said burgh"). The differences were referred to the Lords of Council as Arbiters, whose Decree Arbitral was pronounced on 24th, and confirmed by James IV. on 28th January, 1511-12.[3] The decision amounted to this, that burgesses were to be tried by the Magistrates, and those who were not burgesses by the Sheriff.

The 4th Earl is said to have married Elizabeth, youngest daughter of William, 1st Lord Ruthven, and a grand-daughter of John, 2nd Lord

1 *Supra*, p. 38. 2 *Supra*, p. 42. 3 *Abd. Charters*, p. 41.

Forbes. By her he had a son William, who succeeded him, and a daughter.

Like his immediate predecessor, he fell at Flodden. As an old record has it—"Interfectus fuit cum Domino Rege Jacobo IV° ad bellum de Flowden Anno Domini MDXIII. Sepultus in Et cum eo LXXXXVII. de eodem cognomine.[1]

1513-22. WILLIAM, 5th EARL OF ERROLL.

Flodden Field was fought in September, 1513, and on 27th October of that year we find in the *Exchequer Rolls* the following entry:—

"Gilbertus Menezeis de Petfodellis et Johannes Mar,[2] burgenses de Burgi de Aberdene ut vicecomites in hac parte respondebunt pro duobus paribus calcarium deauratorum per duplicationem albe firme terrarum baronie de Slanys cum officiis constabularie Scotie et vicecomitatus de Aberdene et pro 4 lib de relevis terrarum de Rettray, regi debitis per sasinam datam Wilelmo Hay de eisdem.[3]"

From this it will be seen that, in terms of the bargain already described, the 5th Earl succeeded his father as heritable Sheriff. To what extent he acted we cannot tell, as the Court books for the period are wanting, but among the documents at Slains Castle relating to the Sheriffship, there is a Discharge by James V. to the Earl of his intromissions as Sheriff, dated 17th July, 1518. He was admitted a burgess of Aberdeen (ex gratia) on January 7th, 1520-.[4]

According to the old record already referred to, he appears to have been about 18 years of age when he succeeded, and the leading authorities agree in stating that he married, before 1520, Helen, 3rd daughter of John (Stewart) 3rd Earl of Lennox, by whom he had a son, William, and a daughter, Jean.

Douglas, and others following him, conclude that he was alive in 1530. Opposed to this, however, is the following entry from the burial record:—

1 *Misc. Spalding Club*, Vol. II., p. 348.

2 Menzeis and Mar were Sheriffs-depute under the 4th Earl of Erroll. Supra, pp. 111-12.

3 *Exch. Rolls*, XIV., p. 510.

4 *Misc. New Spalding Club.*

"Item. xxviii° . die mensis Julii . Anno Domini . M.D. XXII. Obiit Gulielmus Hay de Errol Comes Vicecomes de Aberdein Constabularius Scotie . Apud Edinburgh . et sepultus apud Cuprum . Etatis sue xxvii° ."

Corroboration of his death in 1522 is also found in the extracts from the *Exchequer Rolls* quoted in the following notice of his son, and in an entry in the Register of the Privy Seal, which will be afterwards alluded to.

1522-41. WILLIAM, 6th EARL OF ERROLL.

While it is perfectly clear, from entries in the *Exchequer Rolls*, that the heritable offices passed, in 1522, to William Hay,[1] the only son of the 5th Earl, it is equally plain that he could not have been more than an infant at the time of his father's death.

The public records, indeed, prove that he did not exercise the office, but that it was in ward until it passed to the Earl of Huntly in 1540-1, or until nearly that time.

In the Charter Chest at Slains Castle there is a Dispensation by King James V., dated 22nd April, 1538, allowing William, Earl of Erroll, to be served heir, before the Sheriff of Aberdeen, to the Constabulary of Scotland, the Sheriffship of Aberdeen, and patronage of the Church of Turiff, notwithstanding his being in minority, but without prejudice to the ward.

No evidence of his actual service has been found, but after this the young Earl seems to have been thought to be in a position to deal with the office, for among other documents at Slains is the extract of a contract dated 16th, and registered 18th December, 1540, whereby the Earl of Erroll agrees to the redemption of the office upon payment of 600 marks, and, further, consents to the infeftment of George, Earl of Huntly, therein.[2] Some delay appears to have taken place on the part of Lord Huntly in finding the money, as a charge against him for performance seems to have been used. On 20th January, 1540-1, the Earl of Huntly promised the King not to redeem the office without his consent.[3] On 5th March, however, he got a grant of the office, but apparently without

1 *Exch. Rolls*, Vol. XV., pp. 602 and 609. 2 *Erroll Charter Chest.* 3 *Ibid.*

having fulfilled his obligations to the young Earl of Erroll, who died on 11th April following. Two years later the Earl of Erroll's claim, under the Contract against Lord Huntly, was transferred by Decree of the Lords of Council to Jean Hay, daughter of the 5th, and sister to the 6th Earl.[1]

1522. ALEXANDER, 3rd EARL OF HUNTLY, SHERIFF WARDATOR.

It appears from an entry in the Register of the Privy Seal, 30th January, 1531-2, that on the death of the 5th Earl of Erroll, a gift of the ward of the office of the Sheriffship was granted to Alexander, 3rd Earl of Huntly, and his Assignees.[2]

The Earl can hardly have exercised the office, for, while the death of the 5th Earl of Erroll took place on 28th July, 1522, the entry of Ogilvy of that Ilk, to whom the Earl of Huntly had assigned it,[3] was on 3rd September following.[4]

1522-32. ALEXANDER OGILVY DE EODEM SHERIFF WARDATOR.

The only mention of this Sheriff which has been found, beyond what has already been noted, is on 12th February, 1528, when sasine was given to Alexander Irwin at Drum on Royal precept, and on the precept "honorabilis viri Alexandri de Ogilvy de eodem vicecomitis principalis de Aberdene."[5]

On January 30th, 1531-2, Ogilvy resigned the office in the King's hands "be staff and bastoun" in favour of James, Earl of Moray, but with regress to the office, should the Earl die before the expiry of the ward. That event, however, did not occur.[6]

1532-1541. JAMES, EARL OF MORAY, SHERIFF WARDATOR.

The following notices of the Earl of Moray in his capacity of Sheriff have been found. On 9th January, 1534-5, an Instrument of Sasine in

1 *Erroll Charter Chest.* 2 *Reg. Sec. Sig.*, Vol. IX., p. 72. 3 *Ibid.*
4 *Exch. Rolls*, Vol. XV., p. 602. 5 *Ant. A. & B.*, III., p. 307.
6 *Reg. Sec. Sig.*, Vol. IX., p. 72.

favor of Alexander Leslie of Petcapil, proceeds on a precept "a potenti domino Iacobo Styvart Comite Murrauie ac Vicecomite Aberdonensi,"[1] and again, in a dispute twixt Alex. Hay of Delgattie on the one part, and Alex. Forbes of Brux and others portioners of the Lands of Udacht, called Quarrelhill of Delgattie, on the other part, about marches, decree was pronounced on 16th October, 1539, by Alexander Guthrie, alias Faulkland, "Shirreff deput appointed by James Earl of Moray Vicecomes Principalis Vicecomitatus de Aberdene."[2]

1541. DAVID, 8th EARL OF CRAWFORD.

The only evidence of this Earl's actual possession of the office, which has been found, is the statement that he resigned it,[3] for, although the Earls of Crawford had a certain reversionary interest in the Sheriffship down to this date, and Earl David's consent was deemed necessary to the new grant, the real connection of the Lindsays with the office took end, as has been already shown, in 1510. It is quite true that in July, 1538, he had a letter of Regress to the office,[4] but this may have been merely a step taken to enable him the better to deal with its redemption and resignation. The terms of the letter of Regress are not, however, engrossed in the Privy Seal Register. Certain it is that more than a year after this letter, the Earl of Moray, as has been seen, was acting as Sheriff in right of his gift of the wardship of the office.

1540(1)-1562. GEORGE, 4th EARL OF HUNTLY.

After the obscurity surrounding the immediately preceding decade we now reach surer ground. Under date 3rd March, 1540(1), the following entry appears in the Register of the Great Seal, "Rex concessit Georgio Comiti de Huntlie, heredibus ejus et assignatis, Officium Vicecomitis de Abirdene cum feodis &ca:—quod David Com: Craufurdie resignavit."[5]

The fourth Earl of Huntly was a very notable man not only locally, but in Scottish affairs, and as such, sketches of his life have already been given to the reading public and to the members of the Club. Born about

1 *Ant. A. & B.*, Vol. III., p. 386. 2 *Ibid.*, Vol. II., pp. 358-9.
3 *Reg. Mag. Sig.* 4 *Reg. Sec. Sig.*, Vol. XII., p. 7. 5 *Reg. Mag. Sig.*

1514, Sheriff in 1541, Lieutenant of the North in 1543, Provost of Aberdeen in the following year, and Chancellor of the Kingdom in 1546, he died at Corrichie in Arms against Queen Mary in 1562, and the doom of forfeiture was pronounced over his dead body in 1563. In this connection it may be mentioned that in the time of the next Earl the defence was more than once set up in Sheriff Court cases that a pursuer's title was bad, in respect it was derived from the Earl of Huntlie, who, at the time of granting it, was in "forfaltrie." The second existing Diet Book of the Court, 1557-60, bears that Lord Huntly presided in the Sheriff Court on several occasions, but ordinarily members of the Leslie and Bisset families did the work. Courts were apparently held elsewhere than at Aberdeen, and especially in disputes between neighbouring proprietors as to their marches. An instance of this occurred in May, 1558, where a Court was held "apud Monkishillok."[1] The case is described as "super terras debatabiles inter terras de Monkishill et terras de Park et Tifty," and the parties were George Gordon of Scheves Knight, proprietor of Monkishill, and William Forbes of Tolquhone and William Meldrum of Fyvie. The Earl of Huntly sat as Sheriff, along with William Leslie, who was a stated depute, and three local men appointed apparently for the day. The suitor, whose name was Gordon, was successful. Perhaps he had right on his side. Who knows? In any case the Deputes would not be likely to differ from the Sheriff principal, for in another case about the same period, where the latter was not present, the record bears that "the said Shref deput beand riply and at lynth awisit with the said exceptionis delator, and at the comand of ane writin of the Shref principallis subscrivit with his awin hand, repellit all the exceptionis," &c., &c.[2]

The Sheriff's will was undoubtedly in those days the law of the County, but, to judge from the terms of some of the advocations of the time, it was not always regarded as the embodiment of justice.

1563-7. WILLIAM LESLIE OF BALQUHAIN (9th BARON).

During the latter half of the 16th Century a considerable part of the work of the Sheriff Court of Aberdeen was performed by the family of Leslie, and three Barons of Balquhain in succession took part. There is evidence that John the eighth Baron was principal Sheriff-depute under

1 *Supra*, p. 173. 2 *Supra*, p. 131.

George, 4th Earl of Huntly, and it appears that William his successor holding the same office, acted as Sheriff during the period of the forfeiture of the Huntly Family after Corrichie. What the nature of his interim appointment or commission was, or whether he merely stepped temporarily into the vacant office without formal appointment has not been discovered: but "William Lesly of Balquhain, Sheriff of Aberdeen," appears as the Granter of a Precept of arrestment obtained at the instance of the Principal and sub-principal of the College of Aberdeen, &c., &c., against John Robertson dwelling in the Gallowgate in November, 1563.[1] Again, although the Diet Book for the period has been lost he appears to have sat in Court in Aberdeen as Vicecomes on 12th January, 1564(5), in an action anent the Multures at the Myln of Fintray.[2]

He was a loyal subject of Queen Mary, who stopped at his house when visiting the County, and at the meeting of the Privy Council in Aberdeen in October, 1562, he was one of those local proprietors who were called upon to resist George Erle of Huntlie and his following, and if necessary "to persew thame to the deid and fecht thame in plane battell."[3] Then came Corrichie and the temporary eclipse of the Huntly family, but later, on 14th February, 1567(8) we find the Privy Council addressing their mandates to George Erle of Huntlie "Sheref Principall of Abirdene, William Leslie of Balquhane Sheref Depute thairof and utheris deputtis of the saymen."[4]

The particular mandate here referred to, was with reference to the sale, under the authority of the Privy Council, of the lead from the roofs of the Cathedral of Aberdeen and Elgin for the purpose of assisting to defray the charges of the royal troops.

Leslie was one of those who in February, 1568-9, had commission to band themselves together for resistance to the Earl of Huntly who, in the whirligig of those times, was once more in opposition to the government.[5]

1567-76. GEORGE, 5th EARL OF HUNTLY

was the second son of the 4th Earl but became Lord Gordon on the death of his elder brother, Alexander, in 1552. He married Anna Hamilton, third daughter of the Duke of Chatelherault, and was living with his

1 *Chartulary of St. Nicholas*, II., p. 309. 2 *Ant. A. & B.*, III., p. 424.
3 *Reg. Privy Council*, I., p. 223. 4 *Ibid*, I., p. 609. 5 *Ibid*, p. 645.

wife's friends when the rebellion, which ended in his father's death at Corrichie, took place. He was, however, included in the forfeiture already referred to, and was tried and convicted of treason. The recal of that forfeiture which was proclaimed in August and October, 1565, was confirmed by Parliament in 1567, and the Earl was thus restored to his Estates, Titles and Dignities, and among them to the Sheriffship of Aberdeen. There is evidence both in the 2nd and 3rd volumes of the existing Diet Books of Court and elsewhere of his acting as Sheriff-depute in his father's lifetime, and as Sheriff after his father's death. As a depute to his father he sat along with John Leslie of Bolquhane, William Leslie of Kirkhill, Michael Menzies and George Bissat on 17th February, 1557 (8), in proceedings anent her terce at the instance of Beatrix Dunbar, widow of Johne Straquhyne of Lenturk against John Straquhyne formerly of Thorntoun then of Lenturk, when the case was continued to a Court "to be haldin in Auld Aberdene in the Bischopis Hall of the same."[1] As Sheriff he presided at the service of Walter Urquhart, Sheriff of Cromarty, to his father, Alexander Urquhart, Sheriff of Cromarty, in the Lands and Barony of Fischerie on 29th November, 1575.[2]

A few months before this, however, the trial of the Earl's own Brieve or Brieves of Service as heir to his father in his Lands and Superiorities in Aberdeenshire, came before Sheriffs specially constituted by Commission under the Great Seal, some portion of the record of which has already been given.[3]

On 17th July, 1576, Lord Huntly was personally present in Court with Mr. William Davidson his procurator, when his action against the Forbes family and others for removing from the Regality lands in Keig and Monymusk was called and advocated.[4]

This was his last appearance in his own Court, so far as has been ascertained. He died very suddenly at Strathbogie in the following October.

1576-81. JOHN LESLIE OF BALQUHAIN (10th BARON).

During the minority of the 6th Earl of Huntly, Leslie had the wardship of the office of Sheriff. The letter of gift to him was dated 21st

1 *Supra*, pp. 125 and 177. 2 *Supra*, p. 234. 3 *Supra*, pp. 282, *et seq.*
4 *Supra*, pp. 248 and 278 *et seq.*

March, 1576-7.[1] An entry in the *Exchequer Rolls* bears that he rendered accounts as wardator for six years beginning November, 1574.[2] Two of these, however, would be the last two years of the 5th Earl of Huntly's life. We have evidence of his sitting in Court during the period of his wardship once at least, namely on 12th January, 1579-80, at the Special Service of Robert Innes of Invermarkie.[3]

1581-1594. GEORGE, 6th EARL AND 1st MARQUESS OF HUNTLY.
1597-1600.

When his father died in 1576, the son was in minority, about fifteen or sixteen years of age, and therefore could not act as Sheriff, John Leslie, 10th Baron of Balquhain, as we have seen, acting as Vicecomes wardatarius. As evidenced by the Diet Book, the Earl presided at the Michaelmas Head Court in Aberdeen in 1584[4]; but if the books for the period between 1581 and 1584 had been extant they might have shown earlier sittings. Like his father he got into trouble with the Crown and was forfeited in 1594 after the fight at Glenlivat. The most interesting part of his history in connection with the Sheriffship however, dates from the 17th century, and does not fall within the scope of this volume.

1594-7. JOHN LESLIE OF BALQUHAIN (10th BARON.)

There is clear evidence in Volume V. of the Diet Books that during the forfeiture of the 6th Earl of Huntlie, 1594-7, this laird of Balquhain again exercised the office of Sheriff Principal.[5] The public records of the time do not seem to contain any grant or gift of the office, which probably was held to be carried by his appointment as deputy lieutenant under the Duke of Lennox.[6]

His proceedings in dispossessing one Sheriff Clerk and appointing others (the appointment being really a Crown appointment) taken together with the numerous references to him which occur in the records of the Privy Council, show him to have been a strong and masterful man, neither slow to assume authority nor afraid to exercise it.

1 *Reg. Sec. Sig.*, Vol. XLIV., fol. 37. 2 *Exch. Rolls*, Vol. XXI., p. 103.
3 *Ant. A. & B.*, Vol. III., p. 35. 4 *Supra*, p. 309. 5 *Supra*, p. 367.
6 *Supra*, p. 370.

The Sheriffs-Depute.

1348-73. PHILIP OF DUMBRECK.

Dumbreck is in the Parish of Udny, and this Philip was apparently the first proprietor who is known to genealogists. According to the Rev. Dr. Temple, who follows Stodart, Philip de Dumbreck was Sheriff-depute in 1348.[1] He undoubtedly rendered accounts in Exchequer as locum tenens along with William of Meldrum, a former Sheriff, for the years 1348-58.[2] Presumably it is the same laird who in 1369-70 and in 1373 rendered accounts in Exchequer as locum tenens to Sir Alexander Fraser, the Sheriff at that time.[3]

1374. SIR JOHN OF FORBES.

The *Exchequer Rolls* bear that John of Forbes rendered accounts in March, 1373-4 on behalf of the Sheriff, Sir Alexander Fraser of Philorth.[4] He had a Charter of the lands of Edinbanchory and Craiglogy by Thomas, Earl of Mar, confirmed to him by David II. in 1364, and in a Charter of these lands he is designated Knight.[5] He seems to have greatly served the Church at a distance, while he quarrelled with it at his own door. In 1378 Alexander, Bishop of Moray, with consent of the Chapter, grants him the lands of Fyrossy on the south bank of the Loch of Spynie for his faithful and useful services and personal assistance in their affairs.[6] On the other hand, he had great disputes with Bishop Adam of Tyningham as to land rights in the Parish of Forbes and Kearn, which were composed by arbitration in 1391 after the Bishop's death, the Sheriff, Sir Alexander Fraser, being one of the arbiters.[7] According to Douglas, he died in 1405.[8]

1383-92. THOMAS NORY.

The name of this Sheriff-depute occurs frequently in documents of the period, but beyond the fact that he held this office and that he was

1 *Thanage of Fermartyn*, p. 467. 2 *Exch. Rolls*, I., pp. 542, *et seq.*
3 *Ibid.*, II., p. 333. 4 *Exch. Rolls*, II., p. 426.
5 *Ant. A. & B.*, IV., pp. 373-4 and note. 6 *Ibid.*, pp. 374-5.
7 *Ibid*, pp. 378, *et seq.* 8 Douglas *Peer.*, I., p. 589.

owner of Coquhorny in Tullynessle, little has been ascertained regarding his status. It is at the same time obvious that he was a person of some weight, and trusted in affairs. The earliest mention of Thomas Nory which has been found, is in 1357 in a Charter of Balnacraig in favour of Robert de Camera, to which he was a witness.[1] In August, 1360, Alexander, Bishop of Aberdeen, granted a Charter to Nory of the lands of Coquhorny for payment of 100s. sterling per annum, and attendance three times a year at the head courts at Rane.[2] The narrative of the resignation of the lands by David Brown, son and heir of the late Sir John Brown, Knight, and great-grandson of the original vassal, Adam Brown, who was killed at the Battle of Falkirk, bears that he gave up the lands after consultation with his friends, because he was unable or unfit (impotens) to pay the duty or perform the services which were a condition of the grant. It also bears that Nory was related to him.

In a court held by Adam, Bishop of Aberdeen, on 4th October, 1381, "apud montem capelle beati Thome Martiris juxta canoniam de Aberdon" for the exhibition of the Charters of tenants claiming to hold of the Bishop, Nory attended, and granted an obligation to appear and show his title when required upon fifteen days' warning.[3]

The earliest mention of Nory as a Sheriff-depute is in the record of a court of the Bishop held at Rane on 9th March, 1382-3. This court was a sequel to another, held in the Bishop's chamber in Old Aberdeen on 6th February preceding, at which Robert Stewart, Earl of Fife and Menteith, second son of Robert II. and Chamberlain of the Kingdom, was present, together with many other magnates. The court in Old Aberdeen was held in connection with the excommunication which had been pronounced against the tenants of Fermartyne holding of Sir James Lindsay, Lord of Crawford and Fermartyne, for non-payment of the second tenths to the Bishop. At the second court at Rane, absolution was given on satisfaction being made by John de Camera, the baillie and receiver of the rents of Fermartyne.[4]

Nory was one of the amicable compositors in 1387 in the dispute between the Bishop and John of Forbes regarding the lands of Lurgyndaspok.[5]

1 *Ant. A. & B.*, III., p. 93, and note. 2 *Reg. Episc. Abd.*, I., pp. 87-89.
3 *Ibid.*, p. 135. 4 *Ibid.*, pp. 163 *et seq.* 5 *Ibid.*, pp. 176-7.

He was also one of those who appended their seals to a Charter by John de Boneville to John Fraser of Forglen on 9th October, 1388.[1]

In February, 1388-9, he rendered accounts for the preceding terms as locum tenens for the Sheriff, and is mentioned again in the accounts in 1391-2.[2] He is also designed as Sheriff-depute in a grant of part of the lands of Auchlowne and others in the Barony of King Edward in May, 1390.[3]

Nory's death appears to have taken place in 1399. His son, Thomas, was served heir before Gilbert, Bishop of Aberdeen, at an inquest held in Old Aberdeen on 1st April, 1400.[4]

1405-6. ALEXANDER STEWART, EARL OF MAR.

Sir Alexander Stewart was the eldest natural son of Alexander Stewart, one of the sons of Robert II., perhaps best known in history and in fiction as the "Wolf of Badenoch." The only direct authority which the editor has found for placing him in this list is a Letter of Acknowledgment which he granted to Sir John of Forbes on 2nd January, 1405-6. In it he is designed Lord of Mar and of the Garioch, and "Substitutus vicecomes de Abirden."[5] The fact however seems to be generally accepted, and in Mr. Watt's *History of Aberdeen and Banff* it is distinctly stated that he was appointed Sheriff of Aberdeenshire.[6] It will be seen from what has been said in the notes upon David, 1st Earl of Crawford, that it is assumed that, during the many absences of the latter, the Earl of Mar acted as his substitute. It is of course possible that the grant to the Lindsays was later than this, and that the Earl of Mar acted as locum tenens for some Sheriff, whose name has not come down to us. In any case, he seems to have been looked up to by this time as the County leader, and as a special protector of the town of Aberdeen. From being little better than a leader of Caterans, he became in a few short years the chosen leader of the chivalry of the north-east against the Highland host of Donald, Lord of the Isles. Anything so strikingly picturesque as his wedding with the

1 *Ant. A. & B.*, IV., p. 381. 2 *Exch. Rolls*, III., pp. 217, 268.
3 *Ant. A. & B.*, III., p. 93, note. 4 *Reg. Episc. Abd.*, I., p. 217.
5 *Ant. A. & B.*, IV., p. 170. 6 Mr. Watt's *History of Aberdeen and Banff*, p. 80.

Countess Isabel, the widowed Lady of Kildrummy, and the circumstances surrounding it, both before and after, it is difficult to find a parallel to; but the story has been often and well told, and need not be repeated. He was styled Admiral of the Realm of Scotland in 1423,[1] and died in 1435.

1430. SIR ANDREW STEWART

was also a son of the "Wolf of Badenoch," and a younger brother of the Earl of Mar. His name appears of this date in the service of David de Bosvil to an annual rent of £20 from lands in Belhelvie, in which he is styled "Vicecomes locum tenens de Abirden."[2] He acted as a witness at Kildrummy Castle in 1424 to a Charter of Mekylwardris, granted by his brother, the Earl of Mar, to Alexander de Setoun de Gordoun.[3] In 1433 the Earl appointed him his baillie to give Sasine to William Leslie of Balchane, of the lands of Selby and Lochtillok.[4] In his history of Moray (1775), Mr. Shaw, in describing the parish of Inveraven, states that Alexander Stewart, fourth son of Robert II., having no legitimate issue, gave the lands of Strathaven to his bastard son, Sir Andrew.[5] From his brother, the Earl of Mar, he had the lands of Sandhalch in Banff, and Culquhorsy in Mar, of which he had Crown Charter of Confirmation in March, 1410-11.[6] In these he was succeeded by his son, Alexander, who was, in a court held at Kildrummy on 2nd May, 1435, served heir to him.[7]

1432-48. SIR ALEXANDER OF FORBES, 1st LORD FORBES.

Alexander, 2nd Earl of Crawford, with consent of his son and heir, Sir David Lindsay, afterwards the 3rd Earl, let the office of Sheriff-depute to Sir Alexander, in 1432, for life, the rent or consideration therefor being £10 Scots per annum, reserving right to the Earl and his son to exercise the office when in the Sheriffdom. This transaction was confirmed by King James II. in January, 1447-8, by Charter under the Great Seal, in which Sir Alexander is styled Lord Forbes.[8] There are

1 *Ant. A. & B.*, IV., p. 183.
2 *Archives of King's College*, and *Ant. A. & B.*, III., p. 334.
3 *Ant. A. & B.*, I., p. 555. 4 *Ibid.*, p. 541. 5 *Ibid.*, II., pp. 295-6.
6 *Reg. Mag. Sig.* 7 *Ant. A. & B.*, III., pp. 582-3. 8 *Ibid.*, IV., p., 393.

besides various references to him as Sheriff-depute in the *Exchequer Rolls*.[1] In 1435 he agreed to assist Lord Erskyn in his endeavour to obtain himself served heir to the Earldom of Mar, Lord Erskyn promising him in return certain lands if he were successful.[2] In 1438 he sat as Sheriff-depute when Lord Erskyn was served as heir to the Earldom of Mar, the verdict on that occasion being, however, overturned as erroneous in 1457.[3] Sir Alexander was a witness on 4th January, 1440-1, to a Conveyance of Knavane, New Deer, to Alexr. Cullane, burgess of Aberdeen.[4] On 22nd October, 1448, he sat in the Court at Aberdeen at the taking of Instruments by Gilbert Menzies anent the redemption of Pitfoddels, being then designed "Nobilis et potens dominus Alexander de Forbes ac deputatus Vicecomes de Abirden."[5] According to Douglas, he died that same year.

Before 1455. JAMES SKENE OF SKENE.

We find, from the Memorials of the Family of Skene of Skene, that this James Skene, reputed to be the sixth in descent, flourished 1411-61.[6] There is no mention in the volume referred to of his having been a Sheriff-depute. It would appear however, from a note by the King's Chamberlain 'twixt Dee and Spey as to the lands of Soynahard in Towie, that before 1455 he had acted in that capacity.[7]

1453-60. ALEXANDER DOUGLAS.

We find an Alexander Douglas, burgess of Aberdeen, as a witness to an act of the Sheriff Court in 1450,[8] and that in 1446-7 one Walter Mudy was admitted a burgess at the instance of Alexander de Douglas.[9] Presumably these and the Alexander Douglas, who was afterwards Sheriff-depute, were one and the same person. The *Exchequer Rolls* bear that David, Earl of Crawford, rendered accounts for 1453-6 per

1 *Exch. Rolls*, V., pp. 71, 94, 135, 170, 204, 256.
2 *Ant. A. & B.*, IV., pp. 188-9 and note. 3 *Ibid.*, pp. 205-13.
4 *Ibid.*, p. 49. 5 *Ibid.*, III., pp. 269-70.
6 *Memorials of Family of Skene*, pp. 15, *et seq.*
7 *Ant. A. & B.*, IV., pp. 204-5. 8 *Ibid.*, III., p. 8.
9 *Misc. New Spalding Club*, p. 11.

Alexander Douglas "ejus deputatum."[1] He appears next as Sheriff-depute in connection with the prolonged litigation between the Skenes and Keiths, both claiming the lands of Easter Skene, Leddach, Kirktoune of Skene, Millboy, etc. Accounts of this are given in the *Memorials of the Family of Skene*,[2] and in the *Antiquities and Collections of the Old Spalding Club*,[3] and in particular he sat in Court in Aberdeen on 21st February, 1456-7.[4] As Sheriff-depute he gave sasine to Alexander Irvyn de Drum in the lands of Drum in 1457,[5] and to William Sinclair, son and apparent heir of William Earl of Orkney and Caithness, and spouse in the lands and barony of Newburgh in 1460.[6] He was also a witness in 1458 to a grant of 40s. out of the lands of Rothebirsbane.[7]

1466-71. JOHN OGSTON OF THE CRAGS.

Some account of this Sheriff-depute is given in the history of the Ogston Families and supplement thereto (privately printed, 1876 and 1897), but the documentary and official sources of our information may be mentioned. In the Sasine, 25th June, 1466, following upon the conveyance of the lands of Cruives by John Bannerman of Alesike (Elsick) to the Town of Aberdeen, the precept was presented by David Duncansone, one of the Mairs of Fee appointed by John Ogston, Sheriff-depute of Aberdeen.[8] Again, on 14th August, 1467, John de Ogstoune, Vicecomes deputatus de Abirdene, is one of the witnesses to a Charter of the lands of Ury in Kincardineshire by Nicholas Earl of Errol to his uncle, Mr. Gilbert Hay.[9] In 1469 Ogston presided in the Court at Aberdeen, when proceedings were taken regarding the marches between the lands of Tarves and Udny.[10] Further, David, Earl of Crawford, renders accounts in Exchequer, 1469-71, "per Johannem de Ogstoune et Alexandrum Irvyne de Drum ejus deputatos." In a precept of Sasine of the lands of Ardendracht, the date of which has been lost, but which Dr. Joseph Robertson placed between documents of 1388 and 1414,[11][12]

1 *Exch. Rolls*, V., p. 654. 2 Pages 17, *et seq.* 3 *Ant. A. & B.*, III., pp. 318, *et seq.*
4 *Ibid.*, I., p. 281. 5 *Ibid.*, III., p. 297. 6 *Ibid.*, p. 97. 7 *Ibid.*, II., p. 327.
8 *Chartulary of St. Nicholas* (Dr. James Cooper), II., p. 7. 9 *Reg. Mag. Sig.*
10 *Reg. Nigr. Aberbr.*, p. 159. 11 *Exch. Rolls*, VIII., p. 50.
12 *Ant. A. & B.*, I., p. 380.

reference is made to an inquest previously held by John Ogston as Sheriff-depute. It would appear, from what is known of his tenure of office, that the precept in question must have been issued long after 1414.

1469-72. ALEXANDER IRWIN OF THE DRUM.

The immediately preceding entry proves that he was a Sheriff-depute at this time, and the following Act of the Lords Auditors, dated 20th February, 1431-2, explains how he came to lose his office:—

"In the actioun & caus of summonds movit be Walter Lindesay of Bewfort aganis Alexander Irwin of the Drum for convocatioun & gaddering of our souerane lords liegis to the noumber of lx of personys in fere of were of men of armys with bowis & uthir fensable wapponis on horss & fute & be cummyng upon the said Walter undir silence of nycht quhare he wes in his bed at mydnycht & socht the houss that he lay in for the invading of him in breking of the Acts of Parliament & in evil example to utheris to commyt sic trespassis the said Alexander beand summond lauchfully to compere personaly & comperit bot be his procuratouris the allegations of baith the pairtiis herd & understandit The lords decretis & deliuiris that for the grete lichtlying contemptioune done to our souerane lord in the foresaid thingis that thairfor he enter his persone in warde within the Castel of Berwic within xv dais eftir the warnyng thair to remayn on his awin expenss quhil he be fred be our souerane lord And atour forsamekle as he is Shref depute of Aberdene & has gadderit the kingis liegis undir silens of nycht as said is that thairfor he be depriuit for euir fra the office of depute Shreffchip & that he neuir in tyme cummyng minister in the samyn eftir the tenour of the act of parliament specially maid upoun Shreffis And at letters be writin to the Shref of Aberdene to discharge the said Alexander of the said office As he will ansuer to our souerane lord And at the said Alexander be distrenzeit for four markis for the said Walteris expensis in the folowing of the said mater & at letters be writin to distrenze him for xl sh of unlaw."[1]

It would appear that this was not the only act of violence in which he took a leading part, for he had a royal remission in 1487 for the slaughter, at the Brig of Balgowny, of Alexander Fraser (apparently of

1 *Acta Dominorum*, p. 20.

the family of Philorth) and George Tailzour, and for the dismembration and mutilation at his place of Drum of Sir Edward Mackdowell, chaplain.[1]

Whether he was at any time before his death restored to office, is not altogether clear; but so late as 26th July, 1488, Ross of Auchlossin was ordained by the Lords to relieve Irvine of £50, for which the latter had become bound for the former, "the tyme he wes Schiref of Aberdene."[2]

According to the genealogical table in Captain Douglas Wimberly's *Memorials of four old families*, the subject of this notice was the sixth laird of Drum. He succeeded his grandfather, Sir Alexander Irvine, who died in July 1457, in the lands of Drum[3] and Forglen.[4]

He died towards the close of 1593, and shortly before his death made provision for David, Alexander, John, and Agnes Irvine, the four children begotten between him and the deceased Nannys Menzeis.[5]

1477. ALEXANDER LESLIE OF WARDES.

We find from the List of Burgesses of Aberdeen published in the *Miscellany of the New Spalding Club*, that on 30th April of this year Alexander Lesly of Wardes, Receiver General and Deputy Sheriff of Aberdeen was admitted a Burgess.[6] No other authority has been found for placing him on the list of Sheriff deputes. The title of Receiver General might have been conferred on him in consequence of his holding that office for the Barony of Kingedward from John, Lord of the Isles.[7] That would not, however, explain the designation of Deputy Sheriff, and it must be assumed that when he used that term, the Town Clerk of Aberdeen was correctly recording a well-known fact.

Alexander Leslie had a grant of the lands of the thanage of Kintore on 30th September, 1473.[8]

1 *Ant. A. & B.*, III., pp. 298-9. This misused chaplain, McDowell, had acted as Procurator for his patron in the proceedings before the Lords, at the instance of Lindsay of Bewfort.
2 *Acta Dominorum*, pp. 85-6. 3 *Ant. A. & B.*, III., p. 297.
4 *Reg. Nigr. Aberbr.*, p. 286.
5 *Council Reg. of Abd.*, and *Ant. A. & B.*, III., pp. 301-2.
6 *Misc. New Spalding Club*, p. 26. 7 *Ant. A. & B.*, I., pp. 485-6-7. 8 *Reg. Mag. Sig.*

1494-7. ALEXANDER IRWIN OF DRUM.

This laird of Drum was served heir to his father in 1494,[1] and must have been appointed to the office of Sheriff-depute soon after, for he presided at the service of William Keith as heir to his father, Sir Gilbert Keith of Inverugy, in the Sheriff Court at Aberdeen on 28th April, 1495.[2] It is not clear for what period he continued to hold office, but on 28th July, 1501, having then ceased to do so, he renders accounts for payments made by him out of the arrears due on his account for 1497.[3]

On 13th December, 1494, Alexander Irvine and Marioun Forbes, his mother, were ordained by the Lords Auditors to remove from Wester Tulbowry, in Kincardineshire.[4]

There was, and probably still is, in the Charter Chest at Drum a Discharge by William Fraser of Phillorth for himself and his kinsmen to Alexander Irvin of Drum for a sum of money as assythment and part compensation for an outrage at the Brig of Balgowny on the late Sir Alexander Fraser of Phillorth and his son Alexander, who were respectively the grandfather and father of the granter.[5] Whether this was the same affray as that referred to in the notice of this Sheriff-depute's father [*supra*] or a different one, the writer has not been able to ascertain; but it is interesting to notice that the compensation is described as "kynbutt," a term said by Jamieson to denote the reparation to be made for the sudden slaughter of relatives, and used in Balfour's Practicks as synonymous with Assythment for the slaughter of relatives.

1491-4. SIR ALEXANDER GORDOUN OF MIDMAR.

Sir Alexander Gordon of Midmar was a brother of George, 2nd Earl of Huntly, his mother being a daughter of William, Lord Crichton, and he was the ancestor of the Gordons of Abergeldie. How or when Midmar passed from the family of Brown and came into the possession of the Gordons does not seem to have been definitely ascertained. One of the earlier notices of Sir Alexander is found in the Contract of Marriage between William, Earl Marischal, and Elizabeth, daughter of the Earl of Huntly, dated 11th January, 1481-2, in which Alexander Gordon of Megmar (not then a knight) was chosen as one of the friends

1 *Ant. A. & B.*, III., pp. 302-3. 2 *Ibid.*, IV., pp. 78-9. 3 *Exch. Rolls*, XI., pp. 334*-7*.
4 *Acta Dominorum*, p. 201. 5 *Ant. A. & B.*, III., p. 304.

of the parties, to whom was referred the clearing up of any difficulties which might arise regarding any of the title deeds mentioned in the Contract.[1] His only recorded appearance in Court was on 4th October, 1491, when he presided over the inquest which found that Alexander Fraser of Philorth was incompos mentis.[2] At this period a Sheriff-depute did not seem to have the power, express or implied, to appoint deputes or substitutes under him; but apparently Sir Alexander assumed it. The following entry in the proceedings of the Lords Auditors may be deemed to be of interest in this connection[3]:—"In the actioun and causs persewit be Elizabeth Ogston the dochter and are of umquhile Walter Ogstoun of that ilke aganis Maister Androv Caidiow pretendit Shref deput of Abirdene for his wrangis and inordinate proceding in the serving of a breif of inquest, of our Souerane Lordis chapell purchest be Elizabeth Hay be the decess of umquhile Hay of Ury apoun the landis of Raustoun and Cragy liand within the Shrefdoum of Abirdene becauss the tyme of the seruing of the said breues the said Maister Androv pretendit him Shref deput to the Shref of Abirdene howbeit he wes bot substitut & deput to Sir Alexander Gordoun of Megmar knycht quhilk wes bot deput in the said office under the Maister of Crawfurd and micht not mak deputis under him . . . . . Because it is clearly understandin to the Lords that the said Sir Alexander wes deput to the said Maister of Crawfurd the tyme of the seruing of the said breues and that the said Maister Androv wes bot substitut to the said Shreff deput, & as wes grantit be the said Maister Andro, The Lordis Auditours decrettis & deliueris that the said Maister Andro has wrangwisly procedit in the seruing of the said breif for the causs forsaid becaus a Deput micht nocht mak ane uther under him. . . . . ."

Accounts were rendered by him in Exchequer in January, 1493-4,[4] and various references to him are found in the Rolls and elsewhere down to December, 1503, soon after which his death took place. His sons accounted for certain arrearages in July, 1505.[5] It is of interest to note that, with the exception of the first Earl of Huntly's very short service as Sheriff in 1452 (3) Sir Alexander Gordon of Midmar was the first of the Gordons to hold office in the Sheriff Court, so far as has been ascertained.

1 *Ant. A. & B.*, IV., pp. 34-5. 2 *Ibid.*, pp. 91-2. 3 *Acta Dom.*, p. 170.
4 *Exch. Rolls*, X., p. 372. 5 *Ibid.*, XII., p. 296.

1498-1511. ALEXANDER BANNERMAN OF WATERTOUN.

This is the first Sheriff-depute mentioned in the existing Books of Court, and he appears to have been the regular depute for a considerable period. He sat in April, 1498, in a Head Court, when Alex. Bosuele was served heir to David Bosuele of Balmowto, in an an annual rent of £20 from lands in Belhelvie.[1] In 1501, we find him rendering accounts in Exchequer, and after the commencent of the Diet Book 1503 to 1511 officiating frequently. On the passing of the office of Sheriff to Lord Erroll, he got a new Commission.[2] The Bannermans of Waterton sprang from Mr. Donald Bannerman, Physician to David II., and another ancestor, also Alexander Bannerman, was Provost of Aberdeen in 1382.[3] He himself was admitted a burgess in 1502 (3),[4] and more than once after that date burgesses seem to have been admitted at his instance.

1506-13. JOHN MAR.*

He is mentioned in the Diet Books for the period as officiating as Sheriff-depute in October of this year, but his Commission is not recorded until two years later, on 3rd October, 1508.[5] Evidence has been found of his sitting as late as 1513. He was Provost of Aberdeen, 1514-15. A full account of him is given in Mr. A. M. Munro's *Lord Provosts of Aberdeen.*

1507-13. GILBERT MENZIES OF FINDON.*

Another Provost of Aberdeen, and one of the famous family of this name, *he* was also a Sheriff-depute in February, 1507 (8), and until 1513 at least. The first Diet Book does not go beyond 1511, and very little information has been gleaned as to the deputes for a long period afterwards. On 3rd October, 1508, he is designed in the Diet Book as "of Pitfodels," and in his Commission from Lord Erroll on 13th March, 1510 (11), "Prepositus burgi de Aberdene."[6]

1 *Ant. A. & B.*, III., p. 334. 2 *Supra*, pp. 43, 111.
3 *Provosts of Aberdeen* (A. M. Munro), p. 13. 4 *Misc. New Spalding Club*, p. 41.
5 *Supra*, pp. 110, 112. 6 *Supra*, pp. 110-11.

* The asterisk used here and afterwards is intended to convey the impression of the Editor that those whose names are thus distinguished, were rather extra or occasional, than regular Sheriff-deputes.

1526-35. MR. ALEXANDER OGILVY IN GLASSAUGH.

It may be taken as probable that when Alexander Ogilvy of that ilk acquired the office of Sheriff in 1522, he took an early opportunity of placing a kinsman in the subordinate office. Therefore, although we do not find evidence of the fact earlier than 1526, Mr. Alexander Ogilvy may have held the appointment of Sheriff-depute four years sooner. He was selected by the Sheriff-principal to give sasine to George Meldrum of the Lands and Barony of Fyvie, on 9th November, 1526.[1] On 13th May, 1527, another precept was directed to Mr. Alexander Ogilvy, Sheriff-depute of Aberdeen, in connection with the infeftment of Lady Helen Gordon, widow of Sir William Sinclair, in lands in the Lordship of Newburgh.[2] Once more on 28th September, 1532, we find the laird of Ogilvy appointing Mr. Alexander Ogilvy in Glassalche, one of his baillies, to give sasine to William Bard, son and heir of George Bard of Ordinhuiff, in the lands of Sandlawche in the Barony of Ogilvie. Finally it appears plainly from a proceeding before the Lords of Council and Session, decided on 21st March, 1538-9,[3] to be afterwards referred to, that he was acting as Sheriff-depute of Aberdeenshire between June, 1535, and the date of the Lord's decision.

It will be noticed that this is the first Sheriff-depute who has the prefix "Magister," which may be taken as an indication that the rays of the "Lamp of the North" were beginning to reach the laity.

1531-5. GEORGE BARD (BAIRD) OF ORDINHUFFIS.

The property known variously as Ordinhufe, Ordinhuiff, Ordinhoove, and Ordinhuffis, was situated in the Forest of the Boyne in the district between Banff and Cullen, which was of old the northern centre of the family of Ogilvy. It is now merged in the Seafield estates in the parish of Fordyce.

These Bairds were of the same family as the old family of Baird of Auchmedden. This particular member of the family has lived chiefly in local tradition as having had, by his wife Lilias Grant of the Ballindalloch clan, a family of thirty-two children.[4] As a Sheriff-depute, he acted in 1531 along with one, John McMursoun, in a proceeding at

1 *Ant. A. & B.*, II., p. 335. 2 *Reg. Mag. Sig.* 3 *Ant. A. & B.*, IV., pp. 231-2.
4 *Annals of Banff* (Cramond), II., p. 247.

the instance of Agnes Grant, widow of John Makallane in Inverernan, and Thomas Cumyng, her husband, against James Gordon of Abirgeldy.[1] He, along with Mr. Alexander Ogilvy and William Rolland, presided at the trial of an action between John Elphinstone and Umfra Rollok [after 1535]. The subject in dispute was "the keeping of his castell of Kildrummy and office of bailliery of his landis and barrony thairoff," to which the former claimed right by virtue of a lease from Alexander Lord Elphinstoune, the owner, but from which (as he alleged) he "wes violentlie and wranguslie ejected spulzeit and put thatfra" by Rollok on 23rd June, 1535. The jury, consisting of Henry Forbes of Thainstoun, Gilbert Menzeis of Findone, Thomas Reid of Colistoun, Maister Andrew Tulydef of Rannistoun, Henry Oldeny [Udny] of Mynnes, John Pawtoune [Panton] of Petmeddene, John Knox of that Ilk, William Blakhall of that Ilk, Alexander Chalmer of Balnacrag, William Spens of Boddume, William King of Bowrty, and John Forbes of Tuligowny, found in favor of Elphinstoune, and ordered him to be restored to the castle and office of Bailliery. The decision of the Court of Session (21st March, 1538 (9), recalling this verdict, is interesting as throwing light upon the question of the constitution of juries at that period. The reasons of reduction were thus stated by the Lords, "Becaus the said pretendit deputis at the geving of the said pretendit deliuerance put the said mater to the knowledge of xii personis of inquest in evin novmer but ane odman to deliuer with thame howbeit be the law and consuetude of the realme all inquestis aucht and suld be chosen in od novmer."[2] From this it may be inferred that the actual number was not then absolutely fixed, but that it was regarded as essential that provision should be made for a finding by a majority.

1531. JOHN MCMURSOUN.*

Nothing has been ascertained about this individual, except the occurrence of his name along with that of George Baird, already mentioned.[3]

1535-40. WILLIAM ROLLAND.

This name occurs frequently in the local records of the fifteenth and sixteenth centuries. A William Rolland was admitted a burgess of

1 *Reg. Mag. Sig.* (8th March, 1532-3). 2 *Ant. A. & B.*, IV., pp. 231-2.
3 *Reg. Mag. Sig.*

Aberdeen in 1493-4,[1] and another of the same name in 1523.[2] A William Rolland senior is sometimes mentioned, and a William Rolland junior. There was also a Baillie William Rolland, and William Rolland, Master of the Mint. Finally, there was William Rolland, the Sheriff-depute.

It is impossible, from existing materials, definitely to settle which of the persons of this name was the one who acted in this last capacity; but the probabilities all point to the selection of the William Rolland who was a Baillie for a lengthened period. His first appearance as Sheriff-depute was on 4th September, 1535, when proclamation was made at the Market Cross of Royal Letters of Protection of the lands of Alexander Fraser of Philorth, during his absence abroad on pilgrimage, "in presentia et de mandato honorabilis viri Willelmi Rolland Vice-comitis deputati de Abirden."[3] He was one of the three deputes sitting in the case of Elphinstone *v.* Rollok already referred to, and on two occasions in 1540, namely, 11th[4] and 30th October,[5] there is evidence of his acting as a Sheriff-depute.

He seems to have been one of those to whom Lord Huntly, when Provost, entrusted the management of Town Council matters during his absence,[6] and although the Earl appointed John Leslie of Balquhain his principal depute after he became Sheriff in 1541, Rolland may also have continued to hold an appointment.

1541-61. JOHN LESLIE (8th BARON) OF BALQUHAIN.

The connection of this family with office in the Sheriffdom is thus set forth by the author of the *View of the Diocese of Aberdeen.*

"In the Laurus Leslaeana I find Sir John Leslie, the eighth laird of Balquhain, Sir William, the ninth, and John, the tenth, to have been successively Sheriffs of Aberdeen, between A.D. M.D.XLV. and A.D. M.DC.XXII.; and yet, having all lived during the period when the Earl of Huntley was hereditary Sheriff, they must have acted only by a commission from him; though, at the same time, they were men of such

1 *Misc. New Spalding Club*, p. 37. 2 *Ibid.*, p. 48.
3 *Ant. A. & B.*, IV., pp. 99-100. 4 *Reg. Mag. Sig.* (12th August, 1541).
5 *Ant. A. & B.*, III., p. 497. 6 *Lord Provosts of Abd.*, p. 101.

distinction that it is remarked of the last of them that he never appeared abroad without a retinue of twenty horse."[1]

It is also stated in the *Records of the Family of Leslie*[2] that the 8th Baron was Sheriff principal in 1550(1), and a quotation is given in which he is designed "Vicecomes."

These statements, as we have already seen, are correct in the case of the ninth and tenth Barons, who in special circumstances filled the principal office for limited periods; but there has been found no sufficient authority for them as regards the subject of this notice.

As has been already mentioned, the Sheriff was at this period generally designed "Vicecomes principalis," and there is no doubt that the Earl of Huntly was then Sheriff principal. At the same time, it ought to be noted that about 1550 the Earl of Huntly, the Sheriff principal, visited France, and that not very long after his return he fell into disfavour with the Queen Regent, circumstances which might interfere for the time with the Earl's personal exercise of the office.

The Earl of Huntly was not long in office before he selected as his depute John Leslie, then of Syde, the eldest son and apparent heir of William Leslie (the 7th Baron), who died in 1545, by Elizabeth Ogilvy, daughter of Sir Walter Ogilvy of Boyne.

The grant of the office of Sheriff to Lord Huntly was dated, as we have seen, on 3rd March, 1540-1, and on 26th April of the same year, Leslie sat in Court in Aberdeen as depute along with the principal Sheriff.[3] So far as is known, this is the first appearance among the officials of the Sheriffdom of a member of this ancient and, during the latter half of the 16th century, powerful family. In the beginning of 1548-9, Leslie presided at a court for taxing the County for war purposes, an extract of the proceedings at which is copied at the end of a Diet Book of much later date (1573-6).[4]

In the second of the Diet Books, which have been preserved, under date 24th May, 1558, in Letters of Advocation at the instance of the burgesses and inhabitants of Kintore against Alexander Leslie of Wardres, occurs the following passage, "And attour Johne Leslie of Bolquhane principall Sref depute of oure said Srefdome, quha hed the

1 *Ant. A. & B.*, I., p. 108. 2 *Records of the Family of Leslie*, Vol. III., p. 26.
3 *Reg. Mag. Sig.* 4 *Supra*, p. 254.

haill rewill and ordoring of all the courtis tharof,"[1] and again under date 10th January, 1559(60), is the following order of Court, "The said day the Sreff deput foresaid decernit and ordainit that na precept raisit in tyme cuming has strength or fayth without the saymen be subscrivit be the Sreff principall, John Leslie of Balquhane his deput, or Maister Andro Leslie principall Sreff Clerk."[2]

Leslie frequently presided at sittings of the Sheriff Court, and it would seem probable that he continued in office as Sheriff-depute during the remainder of his life, or nearly so. He was admitted a burgess of Aberdeen, when he was still heir apparent of Balquhain, on 21st April, 1533,[3] and, according to the "Family Records," died in France in 1561.

1557. ROBERT OUDNY, YOUNGER.*

The entry in the Diet Book on 15th June of this year runs thus, "The said day the said Sref principall creat Robert Oudny Your a Sref deput of the said Srefdome for the desyre of this day and [word illegible] quhill he be dischargit and gef him the ayth of fidelete to exerce the said office lelelie and treulie And thaireftir the Court was of new fensit agane in all the names afoir writin and his."[4]

Udny's name never appears again, and he has not been identified.

1557-66. GEORGE BISSAT, BURGESS OF ABERDEEN.

This Sheriff-depute, who sat more frequently during this period than any other,[5] unless perhaps Balquhain, must be identical with George Bissat of Pitmukston, heritable Mair of Fee of the Sheriffdom of Aberdeen, an office regarding which is further noticed in subsequent pages.

On 12th January, 1565-6, he sat along with William Leslie of Balquhain (designed Vicecomes) and James Leslie, at the pronouncing of a decree concerning the Multures at Mill of Fintray, an extract of which was in the Charter Chest at Skene in 1857.[6]

1557-8. GEORGE, LORD GORDON.*

As already mentioned, Lord Gordon seems to have acted occasionally as a Sheriff-depute before he succeeded to the Earldom, and in particular,

1 *Supra*, p. 168. 2 *Supra*, p. 144. 3 *Misc. New Spalding Club.* 4 *Supra*, p. 129.
5 *Diet Book*, Vol. II. 6 *Ant. A. & B.*, III., p. 424.

he took his seat on the bench with John Leslie of Balquhain, William Leslie of Kirkhill, Michael Menzeis, and George Bissat on 17th February, 1557-8,[1] when an action about her terce at the instance of Beatrix Dunbar, widow of Johne Straquhyne of Lenturk, against Johne Straquhyne, formerly of Thorntoun now of Lenturk, was before the Court. No other instance of his sitting as a Sheriff-depute has been found.

1557-8. MICHAEL MENZEIS.*

He is one of a number of deputes who appear in the Diet Book for this period only once or twice. Michael Menzeis, who is not designed, sat along with William Leslie of Syde in a Court held at Standing Stains of Huntlie on 12th February, in Aberdeen with John Leslie of Balquhain on the 15th, and again on the 17th of the same month when George, Lord Gordon, and others were on the bench.[2] A Michael Menzeis was one of the witnesses to a Charter by John Waus of Many to Thomas Menzeis, burgess of Aberdeen, of half a net of the raik and stell fishings upon the Dee on 12th October, 1554.[3]

1557-9. WILLIAM LESLIE OF SYDE AND OF KIRKHILL, AFTERWARDS OF BALQUHAIN.

No commissions are recorded to either William Leslie of Syde or William Leslie of Kirkhill, but they appear under these different designations as deputes 1557-9.[4] An attempt has been made to identify them, and the conclusion come to is that they were one and the same person, and that that person, William Leslie, was the eldest son and heir of John Leslie of Balquhain, and who subsequently became the 9th Baron of Balquhain. After acting as Sheriff for some time during the forfeiture of the Earl of Huntly, he was once more Sheriff-depute in 1567(8).

1558. JAMES WENTOUN.*
WILLIAM SLORACH.*
RICHARD HUTCHESONE.*

A Court was held at Monkishillok on 23rd May of this year, at

1 *Supra*, p. 125. 2 *Diet Book*, Vol. II. 3 *Reg. Mag. Sig.* (30th November, 1556).
4 *Diet Book*, Vol. II.

which Lord Huntly sat with William Leslie of Syde and with the three persons above named, who were appointed Sheriff-deputes and sworn in there and then. The action is described as "super terras debatabiles inter terras de Monkishill et terras de Park et Tifty," and the parties were Sir George Gordon of Scheves, proprietor of Monkishillok, who was successful, and William Forbes of Tolquhone and Andrew Meldrum of Fyvie.[1] It seems likely that the persons above named were to all intents and purposes assessors possessing special local knowledge.

A James Wentoun (probably identical with the above) was one of the witnesses at Fyvie on 20th May, 1556, to a Charter by Sir George Meldrum of Fyvie, of the lands of Darley, Wodheid, Boiggis, and Middilmure in the Barony of Fyvie, to his fifth son, Andrew Meldrum, which was confirmed by the King on 8th July, 1574.[2] The names of Slorach and Hutchesone have not been found elsewhere.

1558-9. ANDREW FOULLARTOUN (not designed).*
GEORGE BAIRD IN AUCHMEDDEN.*
ALEX. LESLIE, SON TO WM. LESLIE OF LITTLE WARTHILL.*
Mr. JAMES STEVIN (not designed).*
Mr. ALEXANDER BLAKHALL (not designed).*
ALEXANDER BISSAT (not designed).*

These all appear once or oftener, but none of them were stated or constant Sheriff-deputes.

Mr. James Stevin may be identified as the contemporary Notary Public of that name, and as we find an Alexander Bissat, son of George Bissat, admitted a burgess 26th June, 1548,[3] it may be concluded that the Sheriff-depute and he were one and the same person. The names of the others have not been found elsewhere.

1564. JAMES LESLIE, BURGESS OF ABERDEEN.

We find several persons of this name admitted as burgesses—one in 1547 as having married the daughter of a burgess, the cautioner being

1 *Supra*, p. 173. 2 *Reg. Mag. Sig.* 3 *Misc. New Spalding Club*, p. 61.

John Leslie of Balquhain ;[1] a second in 1548, for whom James Leslie is cautioner,[2] and a third in 1549(50), who is called only son of the late Walter Leslie.[3] An action, already noticed, took place in 1564 (5)[4] about the Multures at Mill of Fintray, in which a James Leslie sat along with William Leslie of Balquhain as Sheriff-depute, from which it may perhaps be inferred that the burgess admitted in 1547 was the one here referred to.

Before 1573. ALEXANDER DUF OF CORSINDAE.

In an action of ejection from Birsmoir, Birse, at the instance of John Gordoun of Cluny, on 14th January, 1573 (4), a Decree of Removing of earlier date (13th June, 1573) pronounced by the above Alexr. Duf and Mr. Gilbert Bissat, Sheriff-deputes for the time, is founded on.[5]

The Decree is against Robert Ross, David Strauchauchin, John Chepman, and James Findlay, all in Birssmoir.

1573-6. Mr. GILBET BISSAT OF PITMUXTON.

Mr. Gilbert Bissat was the son of George Bissat of Pitmuxton, who, on 9th December, 1560, conveyed to "dilecto filio meo naturali Magistro Gilberto Bissatt burgensi de Abirdene" and his heirs All and Whole "officium Maurifeudi Vicecomitatus Aberdonensis unacum totis et integris terris de Petmukstoun cum pertinentiis eidem officio spectantibus et pertinentibus."[6] Among the witnesses to this deed were John Leslie of Balquhain, his son William, Mr. John Leslie, Rector of Oyne and Official of Aberdeen, Mr. Andrew Leslie, principal Sheriff Clerk of the Sheriffdom of Aberdeen and Thomas and Andrew Bissat sons of the granter. The word "naturalis" is not however used with regard to these sons. The date of Mr. Gilbert Bissat's death has not been ascertained, but he was alive in June 1584,[7] and his death had taken place before June 1589, when his son George, who succeeded him, obtained a decree of the Lords of Council and Session against the Earl of Huntly as Sheriff Principal and various other persons, ordaining them to cease and desist from usurping his office of Mair of Fee and uplifting the fees thereof.[8]

1 *Misc. New Spalding Club*, p. 59. 2 *Ibid.*, p. 61. 3 *Ibid.*, p. 62.
4 *Ant. A. & B.*, III., p. 424. 5 *Supra*, p. 195. 6 *Ant. A. & B.*, III., p. 186.
7 *Supra*, p. 317. 8 *Ant. A. & B.*, III., p. 188.

Officials: Sheriffs-Depute

It is impossible to fix with precision the duration of his Sheriff-deputeship, but during the whole period covered by Diet Book Vol. III., and probably for some time before, he was the regular Sheriff-depute.

When the death of the 5th Earl took place in October, 1576, Bissat's appointment would fall, and there are not wanting indications that, with the advent of John Leslie of Balquhain to the wardship of the office of Sheriff, the patronage flowed in different channels.

In contradistinction to other townsmen, to whose names when acting as Sheriff-deputes, the adjectives "providus" or "discretus" were generally prefixed, Bissat was designed "honorabilis." Notwithstanding this, when there were county lairds on the bench, their names were placed before his.

In common with all other deputes in those days, he fell under the charge of subserviency to the principal Sheriff, especially when the interest of any one connected with the Earl of Huntly was in question. Thus in an action of removing at the instance of Alexander Setoune, apparent of Meldrum as assignee of Adam Gordoun of Auchindoun against William Abirnethy and others (2nd May, 1576) it was excepted against the jurisdiction of Lord Huntly that he was superior of the lands libelled and therefore a judge not competent, and that the said Maister Gilbert Bissat was not only open to the same objection but that he "will do no thing by" (except by) "the will and ordinance of my said Lord "Huntlie."[1]

From allegations made against Bissat's competency as a judge on the ground of relationship to litigants we are able to name some of his kindred. At one of the diets in an action of cognition by John Cheyne of Craibistoun against William Setoun of Meldrum, and John Setoun of Auchinhuif, regarding the marches of Crabistoun and Sklaty, it was alleged (4th October, 1575)[2] that the mothers of Bissat and Cheyne were sisters "on the moders syid." Again in another action of cognition, which came up in court on the day following, at the instance of Gilbert Mengzes of Cowly against Robert Innes of Invermarky, Alexander Innes of Ardgrayne and another, it was alleged that Bissat and Mengzes were "tua oyis" i.e. having the same grand-parents and thus cousins.[3] On this latter occasion the record bears that Bissat declined at once.

1 *Supra*, pp. 239, 272.

2 This case was in Court during the whole period covered by Vol. III. of the Diet Books.

3 *Supra*, p. 230.

1574-5. JOHN GORDOUN OF AVACHIE

seems to have been a regular or principal Depute at this period. He and Mr. Gilbert Bissat presided at the Head Court on 12th January, 1573(4), and at the Head Court on 5th October, 1574, Baillie Alexander Chalmers administered the oath de fideli to him and to Bissat and Allane Bulfurd (Balfour).[1] Notwithstanding that all three had been acting previously, it was apparently thought necessary, or was usual, to make a fresh start from the Michaelmas Head Court.[2]

On 25th April, 1574, Gordoun was one of the witnesses at Aberdeen to a Charter by John Gordoun of Petlurg to Gilbert Menzeis of Cowlie, of the town and lands of Gilkeamstoun (Gilcomston), which was confirmed by Crown Charter 24th February, 1576(7).[3]

His last recorded sitting in the Sheriff Court was on 20th July, 1575.

1574-5. ALLAN BULFORD (BALFOUR).

Bulford, who is nowhere designed in the Diet Book, sat fairly often during this period. When sitting alone, he is not styled "honorabilis," but "providus vir." One naturally assumes that all the officials of the Court at this period were friends to the Gordon family, and the following extract from the *Privy Council Register* of date 27th May, 1576,[4] proves that the Gordons were not backward in assisting their supporters:—"I Adam Gordoun of Auchindoun becumis cautioner and souirtie that Allane Balfour sall entir within the castell and portalice of Blacknes within fourty dayis, or in the menetyme sall find sufficient caution according to my Lord Regentis Grace desire under the pane of fyve hundreth merkis be thir presentis."

1574-6. PATRICK GORDOUN (?) OF AUCHINDOUN*

who was not designed on the few occasions when he sat at this period, the first being the Head Pasche Court held on 20th April, 1574. His name was always placed first of those sitting, and it is supposed he was Patrick, afterwards Sir Patrick, Gordoun of Auchindoun. He was a younger brother of George, 5th Earl of Huntly, and of Sir Adam Gordon of Auchindoun, whom he succeeded in 1580.

1 *Supra*, p. 212. 2 Vide under *Alexr. Johnstoun*, infra. 3 *Reg. Mag. Sig.*
4 *Reg. Privy Council*, II., p. 531.

1574-6. Mr. GEORGE MYDDLETOUN, BURGESS OF ABERDEEN.*

A burgess of this name was admitted on 4th October, 1549,[1] and there was a Baillie George Middletoun about this period.

On 16th June, 1559, when it was feared that iconoclastic outbreaks might take place, Mr. Middleton was one of those selected by the Provost and Baillies, on the petition of the Chaplains of the Parish Church of St. Nicholas, to take charge of and safeguard the chalices, silver cups, and ornaments belonging to the Church.[2]

On 4th June, 1567, he was one of the taxtars chosen by the community to impose a tax for the repair of the parish church, when the sum required was fixed at 1100 merks.[3]

It appears from a Decree of the Sheriff Court (1st February, 1573 (4)[4] that Mr. Myddiltoune and Elizabeth or Elspet Irving, his wife, were owners in conjunct fee of the "Landis of Neddir Mondurno and Torbothehill with thair pertinentis and pendiculis liand within the barrony of Fyvie Regalitie of Abirbrothok and Schirrefdome of Aberdeine."

Their neighbour Alexander Annand of Ouchterellon, proprietor of Crannabog, Ouer Mondurno and Mill of Mondurno, and his tenants had been molesting the Myddiltounes and trying to encroach on their ground, so they brought an action and obtained a Decree of Cognition, settling the marches, which are given at length in the decree.

At one point the march is said to follow the burn of Mondurno "quhill it cum to the merchis of the Schirreffis Seit," whatever that might mean.

In an action of Removing, on 28th June, 1574, at the instance of Lady Glamis, as liferentrix against tenants in Easter and Wester Ardo, &c., in the barony of Belhelvie, there was produced for the Pursuer a Sasine dated 17th March, 1544 (5), one of the notaries to which was Mr. George Middiltoune, doubtless the same person whom we find now acting as a Sheriff-depute. The other notary was Mr. Patrick Ogstoun.[5]

Along with Gilbert Meinzeis of Cowlie, who was then Provost, Mr. Patrick Rutherfurde and Alexander Chalmer, his colleagues in the Baillieship, Mr. Myddleton appeared before the Regent at Aberdeen, on 18th August, 1574, and received a long admonition to punish superstition and

1 *Misc. New Spalding Club*, p. 61. 2 *Chartulary of St. Nicholas*, II., p. 372.
3 *Ibid*, p. 377. 4 *Supra*, p. 196. 5 *Supra*, p. 207.

idolatry, to further keeping of the Sabbath, good morals, and the care of the poor and of the lepers.[1]

1574. Mr. PATRICK RUTHERFURDE.*

Was a Sheriff-depute specially constituted. The son of Alexander Rutherford, a Burgess; a Burgess and Baillie himself, he was the father, by his wife Marjorie Menzies, of Provost Alexander Rutherford of Rubislaw.[2]

He seems to have been engaged in mercantile pursuits, the nature of which is so far indicated by an entry in the Kirk and Bridge work accounts under date 20th August, 1571, in the following terms, "To Master Patrik Rutherford for ane stane of Spanze (Spanish) yrin to the Towng of the gryt bell ix s."[3]

The difficulties of obtaining judges who were "unsuspect" was, as we have already seen, very great: but when the interest was obvious, attempts were made to get over them. Rutherfurde's appointment is an illustration. On 23rd June, 1574,[4] two sittings of the Court are chronicled, the bench in the first consisting of Mr. Patrick Ruderfurd, Mr. George Myddiltoun, Mr. Gilbert Bissat, and Patrick Gray, Sheriffs-depute, jointly and severally. Two actions of Removing were before them, and in each there was decree in absence. Both were at the instance of "George Lord Gordoune, cessionar and assegnay lauchtfully constitut be ane nobill and potent Lord, George Erle of Huntlie, Lord Gordoune and Baidzenocht, etc., in and to the nonentrie of the landis and lordschipe of Huntlie alias Straythbogy with expres consent and assent of the said Erle his fader lauchtfull tutour gyder and gouernour to him." The usual precept of warning was produced, and in addition "Mr. Patrik Rutherfurd and Mr. George Middiltoun's precepts, Shreffis of Abirdeine in that pairt specialie constitut deulie execut and indorsat to this day undir thair subscriptionis manuall as appeirit of the dait the xii day off Junii the yeir of God Ane thousand five hundreth seventie four yeiris." The opening words of the decerniture seem to import that the whole four deputes took part. They are "The Shreffis forsaidis decernit and ordinit."

1 *Reg. Privy Council*, II., p. 390.
2 *Misc. New Spalding Club* and *Lord Provosts of Aberdeen.*
3 *Chartulary of St. Nicholas*, II., p. 382. 4 *Supra*, p. 204.

After the two cases referred to had been disposed of, Rutherford, Middleton, and Gray (the latter curiously enough not having been specially mentioned in the decrees) disappear, and a number of other decrees are pronounced by Mr. Gilbert Bissat, the ordinary depute sitting alone.

1574. PATRICK GRAY (not designed).*

He is not designed in the Diet Book; but a Patrick Gray was admitted a burgess in 1548, who seems to have been alive in 1589.[1] It is more than likely that it was to him that £3 6/- was paid on 24th January, 1574 (5) for "1 dosone of dalis [deals] to the queir wyndois"[2] and who in 1587 had a property in the Netherkirkgate.[3]

1575-6. GILBERT MENZIES OF COWLIE.*

Specially constituted to sit on a Brieve for serving Lord Huntly as heir to his father and mother,[4] and in some other instances. A full notice of Gilbert Menzies of Cowlie is to be found in Mr. A. M. Munro's *Lord Provosts of Aberdeen.* His father, Thomas Menzies of Pitfoddels, was Provost of Aberdeen for a great number of years, and he succeeded his father both as Laird of Pitfoddels and Provost, holding the latter office from 1576 to 1587.

1575. ALEXANDER JOHNSTOUN (not designed).*

Sat on 5th October of this year with Mr. Gilbert Bissat of Pitmukston. A person of this name designed as "Sergeant" is a witness to several writs about 1559, one of which was the Charter by the Church of St. Nicholas to Andrew Buck of fishings at the Fords of Dee, on 1st March, 1558 (9),[5] and as it seems to have been the practice for the Sheriff or principal depute to call in any convenient official, who would not be too independent, in order to obviate the objection to themselves as persons "suspect" by reason of relationship or otherwise, it may quite well be that Johnstoun was made on this occasion to serve that purpose.

1 *Misc. New Spalding Club*, pp. 60, 80. 2 *Chartulary of St. Nicholas*, II., p. 382.
3 *Ibid.*, p. 164. 4 *Supra*, p. 229 and elsewhere.
5 *Chartulary of St. Nicholas*, II., pp. 245-6.

As will be seen, however, from the subjoined passage taken from the record of the case [Mengzes *v.* Innes and another, 5th October, 1575] his acting as Sheriff-depute did not pass without challenge.[1]

Mr. Gilbert Bissat having been objected to on the ground of kinship and having declined, Mr. William Davidson, procurator for the defenders, proceeded to say, "Als Alexander Johnestoune allegit Shreff deput may not be deput nor Juge competent becaus gif euir he at ony tyme wes deput lauchtfullie creat that wes lang tyme bypast. Hes not exercit the office of Deputrie in this Jugement (seat) be the space of five or sex yeiris last bipast as he allegis, and als be the ordinance of the Act of parliament may not be deput to cognosce in this actioun becaus he is not of new creat be the Shreff Principall nor ressauit the ayth be him for executioun of his office at the last heid Michaelmes Court, and gif he hes ressauit the ayth of ony uther Shreff-deput it makis him nocht laucht-full and specialie gif he be admittit be Maister Gilbert Bissat becaus he is already declynit as said is. It is ansuerit be the persewar the allegeance is negative consauit (conceived) and suld be repellit and the said Alexr. is lauchtfullie creat Shreff deput in use of the executioun of the said office and zit remane ane Shreff deput ondischargit and thairfoir is Juge competent." So far the argument. The end of the matter is thus pithily expressed, "Nochtwithstanding the said allegeance the said Alexander remanit Juge."

On 9th June, 1574, the following entry occurs (Mr. Gilbert Bissat being on the bench):—"The said day the said Maister Gilbert creat Alexander Johnestoun ane Mair deput to pas and sumond Alexander Leslie of Neddir Dyce conforme to the precept rasit thairupone and in that caus only."[2] Objections were stated to him in this capacity also.[3]

1575-6. THOMAS CRAG, MESSENGER,*

was appointed by the Earl of Huntly, along with David Gunnar, as a Sheriff-depute to act when objections of relationship were taken to the ordinary deputes.

The actions between Cheyne of Crabistoun and the Setouns and Mengzes of Cowly and others are specially mentioned.

1 *Supra*, p. 230. 2 *Supra*, p. 201. 3 *Supra*, p. 261.

The Commission was dated at Huntly 26th October, 1575, and was presented in Court on the 31st.[1]

Crag's only recorded sitting was on 1st February, 1575-6.

1575-6-9. DAVID GUNNAR.*

He was not designed, but in 1579-80 he was Mair Depute. He was called to the bench on various occasions, the first being on 31st October, 1575.

One reason for his appearance at this Court was obviously because Mr. Gilbert Bissat was defender in a case at the instance of Mr. John Kennedy, acting for the Chaplain of the College and Choir of the Parish Church of Aberdeen.[2] The case of Mengzes *v.* Innes and another was also on the roll.

Gunnar's last recorded appearance as Sheriff-depute, so far as has been found, was at the service of Robert Innes of Invermarkie as heir of his paternal uncle, Alexander Innes of Ardgrayne, etc., on 12th January, 1579 (80).[3]

1575-6. Mr. ROBERT LESLIE OF AULDCRAIG*

sat on 20th December, 1575, and on various occasions throughout the year beginning January, 1575(6). He is once designed as above.

It may be remembered that, in the action of cognition between Cheyne of Crabistoun and the Setouns of Meldrum and Auchinhuiff, Mr. Gilbert Bissat was objected to and declined on account of kinship. Mr. Leslie now appears in place of Bissat, as is expressly explained in the sederunt of the Court of 20th December, 1575.

On 20th June, 1584,[4] there was produced in the Sheriff Court a Submission by Andrew Lesly in Balhaggartie and Agnes Leyth, his spouse, on the one part, and William Donald in Tempillands of Harlaw on the other part, to Duncan Lesly of Petcapill and Mr. Robert Lesly of Auld Craig, anent the Removing pursued by the first parties against the second party, for removing from the said Tempilland of Harlaw and Croft of the same. By the Submission the parties renounced all other

1 *Supra*, p. 232. 2 *Supra*, p. 232. 3 *Ant. A. & B.*, III., p. 35.
4 *Supra*, p. 296.

judgment, "and the said Duncan and Mr. Robert to accept and decreit quhan thai think expedient." He is mentioned as pursuer in an action of Removing on 8th October same year.[1]

1576. Mr. ROBERT LUMSDEN OF CLOVA*

was a Baillie of Aberdeen, and rather a prominent man. He was the third son of Robert Lumsden of Medlar and Balnakelly, and younger brother of Matthew Lumsden of Tillycairn, the writer of the well-known history of the Family of Forbes, with which he was connected by marriage.

Mr. Lumsden, along with Provost Thomas Menzeis, represented the Burgh at the Meeting of Estates held at Perth on 28th July, 1569,[2] and subsequently at a meeting of the Privy Council held at Aberdeen on 31st August, 1574 (James, Earl of Morton, Regent, presiding), he acted as procurator for the Burgh in presenting their bond for loyalty to the Government.[3]

His name occurs several times in the Diet Book of the period as a Sheriff-depute, the first occasion being on 11th January, 1575-6. The sederunt of that Court is thus worded, "per honorabiles viros Magistrum Gilbertum Bissat de Petmukstoun Magistrum Robertum Lumisden pro parte Bissat et Magistrum Robertum Leslie in causis Setounis et Cheyne hinc inde coniunctim et diuisim." On 1st February same year he is designed of "Clowayth."

On 17th July, 1574, he took decree in the Sheriff Court against certain tenants of Drumquhendill, the decree being followed in the Diet Book by the following protest, which refers to the well-known standing quarrel between the families of Gordon and Forbes. On the margin is written, "Protestatio Lumisden," and the text runs as follows:—"The said day compeirit Maister Robert Lumisden of Clovayth and persevit certane tennentis of Drumquhendill for certane fermes afoir the Shref deput of the Shrefdome of Abirden for the tyme undir protestatioune that albeit he compeirit befoir my Lord Shref of Abirdeine and his depuittis in ciuill caussis protestit that his compeirance alwayis suld not preiuge him of his preuilege of the Cheppall of Justice and als the

1 *Supra*, p. 312. 2 *Reg. Privy Council*, II., p. 3. 3 *Ibid.*, p. 394.

exemptioune of my Lord Forbes to the quhilks in caussis criminall he wald adheir to joiss the preuilege thairof one nawayis passand nor declynand thairfra one of the quhilks he tuik act and instrument."[1]

The reference here is to the exemption by the Lords of Council and Session of Lord Forbes and his family and kin from the jurisdiction of the Sheriff principal of Aberdeen and his deputes.

In the decree of the Lords of Council and Session pronounced 27th June, 1573, Mr. Lumsden was one of those mentioned by name.[2]

Among those who were admitted members of the Society of Advocates in Aberdeen in 1576, the name of Mr. Robert Lumsden appears.

1576. SIR ADAM GORDOUN OF AUCHINDOUN*

was the sixth son of George, 4th Earl of Huntlie, the younger brother of the 5th, and the uncle of George, the 6th Earl and first Marquis. Of all the masterful Gordons, Sir Adam of Auchindoun was not the least masterful, and his doings made part, not only of the local, but of the general history of his time. He was a devoted partisan of Queen Mary, and had retired to France in disgust early in 1572-3, after his brother had given up the struggle. He continued to intrigue in the Queen's interest when in France, and so when he returned to Scotland in 1575, he was imprisoned in Blackness Castle. In January, 1576, he was released, and on 2nd October following he presided at the Michaelmas Head Court in Aberdeen as Sheriff-depute. Later in the same month his brother died suddenly at Strathbogie, and his nephew being in minority, Sir Adam, until his death in December, 1580, acted as head of the house and managed the affairs of the family.

1576. GEORGE GORDOUN, PORTIONER OF KINDROCHT,

sat with Sir Adam Gordoun at the Head Court on 2nd October, 1576, and again on the 3rd when Sir Adam was also accompanied by Mr. Gilbert Bissat, Mr. Robert Leslie, Thomas Crag, and David Gunnar.

The Kindrocht here referred to is the place of that name in the Parish of Rathen. The subject of this notice possessed the shadow

1 *Supra*, p. 209.

2 *Acts and Decrees of Lords of Council, vide Ant. A. & B.* IV., pp. 761-3.

halves of Kindrocht and Denend, which he sold to Alexander Fraser of Phillorth on 10th June, 1584.[1]

1579 (80). JAMES LESLIE (not designed).

From the want of the books of Court during the young Earl of Huntly's minority, we have not the same full data regarding the office holders, but it may be safely assumed that they were cadets of the family of Leslie, and so we find James Leslie, who is not designed, sitting with his chief in January, 1579 (80).[2] Whether this was the James Leslie already mentioned as sitting in 1564-5 or another, must of course be matter of conjecture.

On 15th September, 1573, James Leslie, burgess of Aberdeen, is cautioner for William Leslie of Tullefour, that the latter shall not molest John Erskin of Bahagardy in the use of the Mill of Petodry under pain of £100.[3]

A James Leslie, burgess of Aberdeen, had a lease of the Leper house and croft and braid myre adjacent thereto, situated between Old and New Aberdeen, for thirteen years from April, 1562.[4]

At a sitting of the Sheriff Court on 23rd June, 1584, the following entry is found, "The said day the Shreff ordanit ane charge and executioun to be gevin to James Lesly for exhibitioun of the Shreff buikis," and on 31st July, 1584, a diligence was granted against James Lesly, burgess of Aberdeen, to produce the books.[5] These entries probably refer to this James Leslie, who, during the period of John Leslie's wardship of the office of Sheriff, had doubtless been his nominee in the deputeship, and on demitting office had retained the books applicable to his period of office, which, be it observed, are still missing.

1579 (80). Mr. THOMAS LESLIE, BURGESS OF ABERDEEN,

sat on the service of Robert Innes of Invermarkie already referred to, with Balquhain and James Leslie on 12th January, 1579 (80).[6] On 13th

1 *Reg. Mag. Sig.* (9th April, 1588). 2 *Ant. A. & B.*, III., p. 35.
3 *Reg. P. C.*, II., p. 278. 4 *Ibid.*, p. 394. 5 *Supra*, pp. 305, 310.
6 *Ant. A. & B.*, III., p. 35.

January, 1566 (7), Thomas Leslie, son of James Leslie, was admitted a burgess, John Leslie, apparent of Balquhane, and William Leslie, his brother, being admitted on the same day.[1]

On 24th June, 1584, Alexander Lesly, son of the late Andrew Lesly, younger of Balquhane, appeared for the purpose of revoking deeds granted by him to his hurt during his minority, and particularly a "tak and assedatione maid to Mr. Thomas Lesly, burges of Abirdene, of ane half net of the raik on the Watter of Dee within the fredome of Abirdene."[2]

1584. GEORGE GORDOUN, BURGESS OF ABERDEEN (formerly of Kindrocht).

For the period from October, 1576, to June, 1584, no Court book has been preserved. The Diet Book for 1584, as we have it, is only part of a volume, and it may be that it was really begun when the young Earl of Huntly came of age and the wardship ceased, in 1581 or 1582. In any case, we find in it not Leslies but Gordons sitting in the chief seats.

The George Gordon who first comes into view is obviously the former Sheriff-depute of 1576, who was then portioner of Kindrocht, a designation which the Clerk of Court still occasionally, but of course erroneously, used. His ordinary designation at this period was burgess of Aberdeen. How long he continued to sit after 1584 is not ascertainable from the books of Court.

Some interesting details regarding the genealogy and kindred of this Sheriff-depute's wife, who was also a Gordon, are given in two of the advocations of the period. In particular, she was a great-grand-daughter of George Barclay, described as the young laird of Gartlie.[3] She was also related to the wife of William Menzeis of Ferryhill.[4]

1584. WALTER LOWSONE, BURGESS OF ABERDEEN,

sat in Court very frequently with others and alone; but the name is not found in the list of burgesses published in the *Miscellany of the New Spalding Club*. It occurs, however, twice in the Rental of the Church of

1 *Misc. New Spalding Club*, p. 38. 2 *Supra*, pp. 301, 324.
3 *Supra*, p. 321. 4 *Supra*, p. 318.

St. Nicholas, a Walter Lowsone being one of the proprietors of ground in 1587.[1] Lowsone was a relative of William Menzeis of Ferryhill.[2]

1584. SIR PATRICK GORDOUN OF AUCHINDOUN

succeeded his brother, Sir Adam, in 1580, and took first place on the bench when he sat, except when the Earl of Huntly was present. His stirring career ended at the fight at Glenlivat on 3rd October, 1594. He was related to the family of Menzeis, and in particular to William Menzeis of Ferryhill.[3]

1584. JOHN ABERNETHY (not designed)

sat once, on 23rd June of this year, along with Sir Patrick Gordoun and two others, and is probably the person whose name is found on the Roll of the Society of Advocates in Aberdeen.[4]

1584. DAVID MENZEIS, BURGESS OF ABERDEEN.

Mentioned in Diet Book several times. Provost Gilbert Menzeis of Cowlie had a son of this name admitted a burgess in 1569(70).[5] Like several other deputes at this time, he was challenged as suspect on account of relationship in the case of Menzeis *v.* Bissat.[6]

1584. Mr. THOMAS GORDOUN OF KYNNARDY

sat several times in October of this year along with the Earl of Huntly, Sir Patrick Gordoun, and others. He was one of the younger brothers of the 5th Earl of Huntly. He had married the widow of Alexander Innes of Innes, and through that marriage came to be designed of Kynnardy in Banffshire.[7] His wife was a daughter of Helen Stewart, Countess of Sutherland, who had also Gordon blood in her veins.

There is a curious variance about the Lady of Kynnardy's Christian name. In the *Records of Aboyne* it is Margaret. In Sir William Fraser's book on the Sutherland family she is called Janet, and in the Register of the great seal, Jeanne.

1 *Chartulary of St. Nicholas*, pp. 162, 167. 2 *Supra*, p. 318. 3 *Supra*, p. 318.
4 *MS. Records of Society.* 5 *Misc. New Spalding Club.* 6 *Supra*, p. 318.
7 *Reg. Mag. Sig.* (7th Nov., 1584).

1584-91. Mr. WALTER GORDOUN OF WESTHALL.

Mr. Gordoun sat in Court with some frequency during this year. He seems to have been a son of Bishop William Gordon, who was a son of the 3rd Earl of Huntly, and on 8th May, 1570, he was a witness in Aberdeen to a confirmation by Bishop Gordon of a Charter of the lands of Balfour.[1] He was one of the defenders in the Court of Session action at the instance of Gilbert Bissat, Mair of Fee, dated 5th June, 1589, which has already been referred to. He is designed Sheriff-depute when mentioned as a witness of certain proceedings in Old Aberdeen on 3rd March, 1590-1.[2] Again on 10th December, 1591, there is a complaint against him as Sheriff-depute acting under the special direction of George, Earl of Huntly, for having, along with Gordoun of Haddo, violently entered the Mansion houses and close in Old Aberdeen, called "the Clattis houses and Mains," belonging to Alexander Gordoun of Strathdown and Dame Agnes Sinclair, Countess of Erroll, his spouse, and dispossessed their servants.[3]

1584. Mr. THOMAS MENZEIS, YOUNGER, BURGESS OF ABERDEEN.

According to the Diet Book, Mr. Menzeis sat frequently. In all probability he was the son of Mr. Gilbert Menzeis elder, mentioned as having been admitted a burgess in September, 1579.[4] He seems to have been a baillie of Aberdeen and an elder of the parish church in 1589.[5]

1595-8. Mr. THOMAS LESLIE, BURGESS OF ABERDEEN

was depute under John Leslie of Balquhain, as has been seen, in 1579-80, and during the period of Lord Huntly's forfeiture after Glenlivat. He seems to have acted as the stated depute, sitting constantly, sometimes with others, but most frequently alone. His last recorded sitting was on 20th December, 1597; but when the Earl of Huntly in April, 1598, appointed a Gordon as Sheriff-depute, Mr. Thomas Leslie, designing himself as "depute to Johne Leslie of Balquhane," appeared and

1 *Records of Aboyne*, pp. 90, 113. 2 *Reg. Privy Council*, IV., p. 594.
3 *Ibid.*, p. 699. 4 *Misc. New Spalding Club.*
5 *Misc. Spalding Club*, II., pp. 63, 64, 66.

protested that the new appointment was not to prejudice Balquhain's "richt of the said office giffin to him be the said nobill lord according to the tenor thairof."[1]

1595-7. DAVID ROBERTSON, BURGESS OF ABERDEEN,*

sat occasionally during these years. His name is not on the list of burgesses published in the Miscellany of the Club.

1595. ROBERT GAREOCH (not designed)*

sat on 31st July of this year, but is not designed. A person of the same name sat occasionally during the early years of the seventeenth century who was generally designed burgess of Aberdeen, but on one occasion "Armiger," and on another Mair depute.

1596. WILLIAM LESLIE OF WARTHILL,

appointed a Sheriff-depute by Balquhain, and sworn in on Whitsunday even, 29th May of this year.[2] It is quite possible that he may have acted, but in the Diet Books that have come to us, his name appears in this capacity on this single occasion.

According to Col. Leslie's history of the family, this William Leslie was the third son of William Leslie of Wardes by Janet Innes, daughter of Robert Innes of Innermarkie, his immediately elder brother being George Leslie of Crichie. In his lifetime he must have acquired the shadow half of Mekill Warthill, and a croft on the west side of the King's highway from Old Aberdeen to the Bridge of Don, because his immediately elder brother was served as heir of conquest to these on 31st July, 1606.[3]

He was an educated man as indicated by his being styled "Magister," and also with some knowledge of the law, for he was the writer of a submission granted by the Master of Forbes and others of that name to Alexander Irvine of Drum, for settlement of an outrage committed by William Forbes in Tirrivaill and others upon some of Irvine's friends, dated 27th January, 1606.[4]

1 Vol. VI. of Diet Books. 2 *Supra*, p. 358.
3 Vol. VIII. of Diet Books; also *Inquisitiones Speciales*. 4 *Ant. A. & B.*, IV., pp. 55-9.

His death, according to the service above referred to, took place in the month of March, 1606.

1598-1600. JOHN GORDON IN HALTOUNE OF FINTRAY.
JOHN GORDON OF BOIGIS.

The last appointment of a Sheriff-depute in the sixteenth century was that of John Gordon in Haltoune of Fintray in April, 1598.[1] The books contain no trace of any other appointment for nearly twenty years afterwards, and for that and a number of other reasons, the view adopted by the editor is that John Gordon in Haltoune of Fintraye and John Gordon of Boigis were identical. His appointment was during the pleasure of the Earl of Huntly who appointed him. The career of this Sheriff-depute belongs chiefly to the first twenty years of the seventeenth century, when he is variously designed as of "Tillygreig," "Lentusche," and "Little Gowill," and it is purposed to write of him more fully when dealing with the officials of that century.

1 Vol. VI. of Diet Books.

The Sheriff Clerks.[1]

Circa 1535-1539(40). Mr. DAVID NICHOLSON.

In an official list of the Notaries of the Diocese numbering 28, made up on 3rd April, 1540, there appears fifth on the list the name of Mr. David Nicholson "in oppido Aberdonensi."[2] His place on the list would naturally be taken to indicate that he was at the time among the senior members of the body, and this is borne out by the date of his protocol book, which is among the Burgh Records, viz., 9th February, 1520(1) to 12th January, 1534(5).[3]

The precise date of his appointment as Vicar of Maryculter, or as Town Clerk or Depute Town Clerk of Aberdeen, has not been ascertained; but he was designed Clerk of Court (apparently the Baillie Court) as early as 20th April, 1519,[4] as Clerk of the Diocese of Aberdeen as early as August, 1522,[5] and as common clerk of Aberdeen as late as August, 1541.[6] In the testing clause of the very important obligation granted by the Provost, Baillies, Council, and Community of Aberdeen to Bishop Gavin Dunbar (14th December, 1529) for the maintenance of the Bridge of Dee, which the Bishop had erected, Mr. Nicholson is designed "Vicar of Mareculter and Scribe of our Court."[7]

It is stated in a footnote on page 410 of Mr. Anderson's Charters relating to the Burgh, that he was appointed Town Clerk depute in 1530. On the other hand, he is repeatedly styled "scribe of our court" in the extracts from the Council Register of the Burgh in 1530, and specially on 28th November of that year, where he is designed "clerk of thair court."[8]

1 Although, as stated in the introduction to this part, the office of Sheriff Clerk was an ancient one, and names of office-holders have been found now and again at a very much earlier period, it has been thought best not to include any previous to the 16th century.

2 *Reg. Episc. Abd.*, II., p. 323.
3 *Abd. Charters* (P. J. Anderson), p. 410.
4 *Reg. Episc. Abd.*, II., p. 112.
5 *Ibid.*, II., p. 124.
6 *Ibid.*, II., p. 310.
7 *Ibid.*, I., pp. 395-7.
8 *Extracts from the Burgh Records of Abd.*, 1398-1570 (Spalding Club), p. 137, *et passim.*

When he originally obtained the appointment of Sheriff Clerk has not been ascertained, but it is clear that it was before October, 1535, because he then styled himself "David Nicholsone artium professor scribaque communis vicecomitatus de Abirden."[1]

As the years passed, he apparently began to be anxious to provide for his family, and so we find an entry in the Privy Seal Register notifying that on 5th March, 1539(40), there was a gift to Mr. David Nicholson, Vicar of "Mareculter," and Robert Nicholson of the office of Sheriff Clerk of Aberdeenshire for their lives.[2]

The identity of Robert Nicholsone is made plain by another entry in the same Register on the same day and page, of the following tenor, "Legitimation to said Robert, bastard son of said Mr. David." This brings us to the joint Sheriff Clerkship of father and son.

1539(40)-1543. Mr. DAVID NICHOLSON
AND
ROBERT NICHOLSON.

The joint Sheriff Clerkship of Mr. David Nicholson and his son, Robert, lasted for three years, when it was terminated by the death of the former. A case was decided against Mr. David in the Baillie Court on 8th February, 1543, which he appealed to the Court of Session.[3] Between that day and the 12th March next following he had died. The approximate date of his death is fixed in a curious way. Robert, the son, had applied to the Burgh Court to be served heir to his father. In ignorance or defiance of his letters of legitimation, they had refused to carry through his service, on which he appealed the matter to Edinburgh, and on 12th March obtained royal letters charging the court to enter him as heir to his father, and declaring that they should not be called in question for so doing. These letters were entered in the Burgh Court books on 24th March, 1543.[4]

1543-58. ROBERT NICHOLSON.

In virtue of the letter of gift granted to his father and him, Robert Nicholson continued to hold office until about 1558. In a letter of gift

1 *Ant. A. & B.*, IV., p. 469. 2 *Reg. Sec. Sig.*, XIII., fol. 74.
3 *Extracts from Burgh Records of Abd.*, 1398-1570, pp. 187-8. 4 *Ibid.*, pp. 188-9.

made to his brother, James Nicholson, who, as will be seen, was Sheriff Clerk from 1563 to 1564, the tenure of office of Mr. David and Robert and the manner of the latter's deprivation are thus set forth. "Quhilk [office] vmquhile Maister David Nicolsoun his fader had of our souerane ladyis maist noble fader of maist worthy memorie And broukit the same all his lyfetyme be vertew thairof Likeas Robert Nicholsoun bruder to the said James be himself and his substitutis usit the same thaireftir divers yeiris quhill within thir fyve yeiris or thairby that umquhile George Erle of Huntlie Shiref principall of the said Shirefdome put thame thairfra without ony falt and but ony ordour be way of deid."[1] As James Nicholson's appointment was dated 29th May, 1563, Robert's ejection must have taken place about the same time in 1558.

1558-63. Mr. ANDREW LESLIE

(First Term of Office).

Mr. Andrew Leslie, who was intruded by the Earl of Huntly into the office of Sheriff Clerk, was, like Mr. David Nicholson, both a churchman and a notary and also a pluralist. By birth he belonged to the Cults branch of the Leslie family, being the great-grandson of Malcolm Leslie, the first laird of Cults, who was the illegitimate son of Sir Andrew Leslie, the 3rd Baron of Balquhain, by the Fair Maid of Strathdon. His father was George Leslie of Erlisfield, who was wounded at Flodden and who died of his wounds after returning to the north.[2]

Allusion has already been made to the list of admissions of notaries made up or completed to 1540. On that list Mr. Andrew Leslie occupies the 26th place, indicating his comparatively recent admission.[3]

Nearly thirteen years before then, however, we find a Mr. Andrew Leslie acting as one of the witnesses to an Instrument taken in the Monastery of Monymusk on 3rd November, 1527, when a King's messenger made a demand for £12, and was offered but refused a payment of £8 to account, which was apparently all the reverend father superior could raise at the time.[4]

1 *Reg. Sec. Sig.*, XXXI., folio 105.
2 *Historical Records of the Family of Leslie*, III., p. 401.
3 *Reg. Episc. Abd.*, II., p. 324. 4 *Ant. A. & B.*, III., p. 488.

In his capacity of Notary, the subject of our notice officiated in connection with the induction in October, 1547, of Francis Cheyne to the Parish Church of Ellon, when he designed himself "Artium magister presbyter Aberdonensis diocesis."[1] In 1550 he seems to have been Clerk of the Parish of Daviot, a place which he resigned in favour of one John Leslie, a student and scholar in Old Aberdeen, whose duties were to be performed by a certain William Philp as depute.[2] There is about this transaction the suggestion of nepotism, such as was plainly disclosed in the appointment of Mr. David Nicholson's son to be joint Sheriff Clerk in 1540.

In December, 1556, he was acting as secretary to Bishop William Gordon.[3]

Mr. Andrew Leslie was also a Canon of Aberdeen and Prebendary of Ellon as early as 1558, and at least as late as 1566.[4]

It may be quite safely assumed that, when Lord Huntly ejected Robert Nicholson about 1558, he appointed Mr. Andrew Leslie to be Sheriff Clerk, but no royal confirmation of the appointment has been found. In the circumstances such approval was not to be expected, and so, when the death of his patron at Corrichie and the subsequent forfeiture and fall of the Huntly family took place, this appointment would fall with them.

Evidence of his position as Sheriff Clerk during this period, if it had been necessary, exists, and special reference may be again made to the conveyance of the office of Mair of Fee, &c., by George Bissat to Mr. Gilbert Bissat on 9th December, 1560, to which Mr. Andrew Leslie, designed as principal Sheriff Clerk, was a witness.[5]

1563-1564. JAMES NICHOLSON,
Clerk to the Signet.

The terms of the letter of gift to James Nicholson dated 29th May, 1563, of "the office of the Shirefclerkschip of the Shirefdome of Abirdene with the profittis feis dewiteis and casualiteis belanging thairto for all

1 *Ant. A. & B.*, I., p. 310. 2 *Ibid.*, III., pp. 454-7. 3 *Ibid.*, I., p. 618.
4 *Ibid.*, III., pp., 205-6 and 377-381; also *Reg. Episc. Abd.*, II., p. 321, note.
5 *Ant. A. & B.*, III., pp. 186-7.

the dayis of his lyff" have already been partly given. After describing how Robert Nicholson had been deprived the narrative proceeds, "Quhilk office togidder with the office of Shirefschip ar becumin in our Souerane ladyis handis And at hir Maiesteis dispositioun be ressoun of forfaltour ordourlie led aganis the said umquhile Erle for certane crymes of tressoun and lesemaiestie committit be him as at mair lenth is contenit in the proces and dome of forfaltour led thairupoun."

Instead of seeking office in Aberdeen like his brother Robert, James Nicholson sought his fortune by pursuing the legal profession in Edinburgh, where several glimpses of him are to be had previous to his obtaining (evidently as a sinecure) the Sheriff Clerkship of Aberdeenshire.

He was, in Edinburgh in 1554, one of the witnesses to a lease of the fishings of Banchory-Devenick granted to Sir George Meldrum of Fyvie, the real owner of them, by Mr. Robert Richesoun, Vicar of Eckfurd, who was heritable possessor in security of 800 merks lent to Sir George.[1] The next occasion on which his name appears is on 5th February, 1556(7). He then acted as witness and Notary Public in verifying the execution, by the Russian Envoy, of a Power of Attorney to certain persons authorizing them to recover the goods and merchandise on board a vessel called the "Edward Bonaventure," which had been wrecked near Buchanness on 6th November, 1556.[2] One of the other witnesses was William Maitland of Lethington, Clerk of the Privy Council. Once more, he was a witness to a Charter of Confirmation by Robert, minister of Failfurd and Convent thereof, and Brother John Quhytcors, subminister, of their place of Aberdeen to Patrick Menzeis, son and heir of Alexander Menzeis of Wattertoun, of the lands of Ferryhill, dated at Edinburgh, 23rd May, 1558.[3] He had become Clerk to the Signet before 1563; but nothing definite regarding his subsequent history has been ascertained, except that he resigned (possibly under pressure, possibly for a pecuniary consideration) the office of Sheriff Clerk at some date prior to 9th February, 1565(6), when Mr. Andrew Leslie had a gift of the office. There is evidence of his acting as a Notary in Edinburgh as late as 1st March, 1573(4).[4]

1 *Ant. A. & B.*, III., p. 256. 2 *Ibid.*, IV., pp. 108-9.
3 *Ibid.*, III., pp. 195-6. 4 *Reg. Mag. Sig.*

Officials: Sheriff Clerks

Circa 1564-1571. Mr. ANDREW LESLIE
(Second Term of Office).

The narrative of Mr. Andrew Leslie's gift of the office of Sheriff Clerk, dated 9th February, 1565 (6) was in the following terms:—"Our soueranis vnderstanding that thair louit Maister Androw Leslie persoun of Dulmaak hes usit and exercit the office of Schirrefclerkschip of thair Schirrefdome of Abirdene sufficientlie and honestlie thir diuers yeiris bigane and is presentlie in possessioun thairof abill and qualifiit for using and exerceing of the samin office Thairfore and for divers uthiris ressonabill causs and considerationis moving thair maiesteis ordanis ane lettre, &c. To the said Maister Andro Leslie off the gift and dispositioun of the foirsaid office of Schirrefclerkschip of thair said schirrefdome of Abirdene with all feis proffittis dewiteis and casualiteis belangand thairto ffor all the dayis of the said Mr. Androis lyftyme Quhilk office is now in oure souerane lord and ladyis handis and at thair dispositioun be Resignatioun thairof in thair maiesteis handis be James Nicolsoun Quha had the gift of the said office of thair maiesteis for his lyfetyme as the gift thairupoun schawin to thair hienes under the prive seile beiris To be haldin and to be had the foirsaid office of Schirrefclerkschip with all feis proffittis and dewiteis pertening thairto To the said Mr. Androw during all the dayis of his lyfetyme with all and sindrie utheris commoditeis fredomes &c. ffrelie quietlie &c. But ony revocatioun."[1]

It is plain, however, from entries in the books of Court, that Mr. Leslie had returned to office as Sheriff Clerk before the end of 1564.[2] When he received the formal Letter of Gift, he was parson of Drumoak, while on 17th September, 1566, he had a tack of the Chanonrie and prebend of the Cathedral Kirk of Aberdeen when it shall happen "to vaik."[3] He appears to have succeeded John Leslie, afterwards Bishop of Ross, as parson of Oyne,[4] and before his death he was parson of Fetternear.[5] In that capacity he granted an eighteen years' lease of the parsonage and vicarage teinds of the lands of Fetternear to John Leslie, 10th Baron of Balquhain, on 22nd September, 1569.[6] In addition to all

1 *Reg. Sec. Sig.*, XXXIV., folio 50. 2 *Supra*, p. 196.
3 *Reg. Sec. Sig.*, XXXV., folio 71.
4 *Fasti Aberd.* (Spalding Club), pp. 128-9; also *Reg. Mag. Sig.*
5 *Hist. Records, Family of Leslie*, III., p. 401. 6 *Ibid.*, I., p. 115.

his other appointments, he was Canonist in King's College at some date after 1560.[1] His death is thus recorded in the *Chronicle of Aberdeen*—"The viii. day of Aprill, the yeir of God 1571 yeiris Maister Andro Lesly, person of Fetterner and Scherreife clark of Aberdein, depertit owit of this present lyfe."

1571-80. WILLIAM BRUCE.

William Bruce was a Notary Public at least as early as December, 1567.[2] He was as we have seen Sheriff Clerk depute in the year 1571.[3] The only direct authority for believing that he succeeded Mr. Andrew Leslie in the principal office is his being designed on 12th July, 1574, "Scryib of the said Shrefdome;"[4] but there has not been found evidence of any other appointment between Mr. Leslie's death and the appointment of Mr. Alexander Fraser about the year 1580.

His death took place before June, 1584, when his widow, Elizabeth Forbes, along with others, was judicially called upon to produce the Books of Court.[5]

A burgess of this name was admitted (*ex gratia*) on March 8th, 1566(7).[6]

1580-95. Mr. ALEXANDER FRASER.

In consequence of the dispute between John Leslie of Balquhain and Fraser, which was one of the most interesting cases before the Privy Council in 1595, there exists no uncertainty whatever about this Sheriff Clerk's appointment or the period during which he retained it.

In his complaint to the Privy Council in August, 1595, he stated that in June of that year he had been turned out of the office, to which he had been appointed by the Earl of Huntly and Sir Patrick Gordon of Auchindoun fourteen years before, and in which he had been confirmed by the Crown.[7] Further evidence of the recognition of the

1 *Fasti Aberd.*, p. lxxx; and *King's College, Officers and Graduates* (P. J. Anderson), p. 29.
2 *Ant. A. & B.*, III., pp. 21-2. 3 *Supra*, p. 192. 4 *Supra*, p. 207.
5 *Supra*, p. 297. 6 *Misc. New Spalding Club*, p. 68.
7 *Reg. Privy Council*, V., pp. 229-30; also *Supra*, p. 327.

Crown is found in the account of Mr. William Anderson's installation in the office in June, 1597.[1]

He was proprietor of Frosterhill, and a Notary Public.[2] He was also a burgess, having been admitted as the son of Mr. John Fraser on 25th April, 1580.[3]

His lawsuit with Balquhain was not his only litigation. Before 2nd January, 1593(4) Fraser had applied for lawborrows against Mr. John Cheyne of Fortrie, the Provost, and John Collison and others, the Baillies of Aberdeen, who had taken steps to have the order for caution suspended.[4]

The Provost appeared personally before the Privy Council at Edinburgh on 26th January, and made a statement against Fraser, who did not appear, the result being that the Lords suspended Fraser's letters.[5] The Provost's statement on behalf of himself and the other suspenders was as follows:—"Mr. Alexander Fraser, sheriff clerk of the shire of Abirdene, alleging that he was troubled by the complainers in his lands of Frosterhill, had obtained a decree of Privy Council charging them to find caution within a certain period that he and his men should be harmless of them, and intends, in case of their disobedience, to put them to the horn. Now, the said Mr. Alexander is not 'ane free subject,' having been denounced rebel upon 5th March, 1592, at their instance for not delivering to them the protocol book of the late Mr. Johnne Kennedy, common clerk of the said burgh. Remaining 'maist proudlie and contempnandlie' at the horn, he had been charged to enter in ward and to deliver his dwelling houses under pain of treason, but had 'verie tressounablie' disobeyed that command also. He is, therefore, not a person to whom the complainers ought to be obliged to find caution."

Apparently the municipal authorities had almost immediately afterwards applied for lawborrows against Fraser, for there was registered at Edinburgh on 22nd February a Bond of Caution, dated 9th February, by John Leslie of Balquhain, for £1000, that Fraser should not harm the Provost, Baillies, Council and community of Aberdeen.[6]

1 *Supra*, p. 387.
2 *Reg. Privy Council*, IV., p. 512.
3 *Misc. New Spalding Club*, p. 74.
4 *Reg. Privy Council*, V., p. 609.
5 *Ibid.*, V., pp. 127-8.
6 *Ibid.*, V., p. 614.

He was still in default on 24th July, 1594, when the following short entry occurs in the Register:—"Alexander Fraser of Phillorth for Mr. Alexander Fraser, sheriff clerk of Abirdene, to pay 10 merks for his escheat, or report nullity of the horning against him for not finding lawsurety to the community of Abirdene."[1]

He had made his peace with the burgh before 25th September, 1594, when the following entry was placed in the Burgh Records:—"Mr. Alexander Fraser (quha was obefoir upon certain occasionis and enormiteis committit be him deposit off his fredome and libertie of Burgeschip of the burght, was of new agane creat burges of gild of the same and restorit to his former libertie, quha renuncit all exemptione fra taxationis."[2]

The quarrel between Balquhain and the Sheriff Clerk did not break out immediately after the temporary eclipse of the Huntly family in the autumn of 1594, but according to Fraser's account, Leslie, whom he styles Sheriff-depute, had for some time before it actually took place, been scheming for a plausible pretext for evicting him. Fraser obtained an order on 14th August, 1595, against Balquhain and against Messrs. John Leith and William Reid, who had been appointed to succeed him, to denounce them rebels.[3]

On 31st October they found caution, Leslie in 3000 merks, and Leith and Reid in 500 merks each, not to harm Fraser, specially in the using of his office of Sheriff Clerkship, Robert Keith of Benholm being cautioner.[4]

On the petition of Leslie, Leith, and Reid, personally supported by Leslie, and in the absence of Fraser, the letters against them at his instance were on 28th January, 1595 (6), suspended.

They made serious charges of breach of faith against Fraser in connection with the first calling of his complaint, and stated that "in the meantyme he craftelie convoyed himselff furth of the cuntrey."[5]

1 *Reg. Privy Council*, V., p. 629.
2 *Misc. New Spalding Club*, p. 74.
3 *Reg. Privy Council*, V., pp. 229-30.
4 *Ibid.*, V., p. 666.
5 *Ibid.*, V., p. 262.

1595-7. Mr. JOHN LEITH.

Mr. WILLIAM REID.

No trace has been found of Mr. Leith acting, and although he was one of the defenders in the proceedings at Mr. Alexander Fraser's instance, his name is not mentioned at the time of Mr. William Anderson's installation, when both Mr. Fraser and Mr. Reid were referred to as having claims to the office, which required to be discharged.

He was a Notary and also an Advocate in Aberdeen, his name appearing on the list of the latter as having been admitted in 1595.

Mr. William Reid caused his entry to the office to be conspicuously chronicled on the title page of the Diet Book for 1595-6,[1] and held office up to the time of Mr. Anderson's appointment.[2]

Before he engaged in business as a Notary and Advocate on his own account, he was in the office of Mr. Patrick Cheyne,[3] which would account for his acting as a partisan of Mr. John Cheyne of Fortrie, in the affray which is picturesquely described in the following complaint by Mr. George Abercromby to the Privy Council on 10th May, 1593[4]:—

"Complaint as follows by Mr. George Abercrumby, writer to the signet, ordinary solicitor and agent for the King's treasurer, and lately provided to the office of one of the commissaries of Abirdene by presentation of the Lords of Council and Session:—Having repaired lately to the burgh of Abirdeine for performing 'certane effairis concerning the office of thesaurarie' entrusted to him by Sir Robert Melvill of Murdocairny, treasurer-depute, and also for certain affairs concerning the Lords of Council and Session committed to him by Alexander Hay of Easter Kennat, Clerk of the Register, who has 'chairge of the saidis Lordis in thair effairis within the boundis of the jurisdictioun of the Commissariat of Abirdeine,' the complainer had expected no injury from any, partly because he had offended none, partly because of the service in which he was employed, and chiefly because George, Earl of Merschall, his Majesty's commissioner between the North Water and Spey, 'movit Mr. Johnne Cheyne of Fortrie (that laitlie had travellit for the said office of commissariat) and the said Compleinar to schaik handis.' Nevertheless, the said Mr. Johnne Cheine, 'forgetfull of the reconsiliatioun,

1 *Supra*, p. 327. 2 *Supra*, p. 387. 3 *Reg. Mag. Sig.*
4 *Reg. Privy Council*, V., p. 77.

and seiking new occasioun to tak the said compleinaris lyf, first reprochit him oppinlie within the tolbuith of Abirdeine, and thaireftir besett his gait at the south end of Auld Abirdeine, besyd the auld grammar scuile, quhair he wes retuirnand fra the auld town to the new toun in peaceable maner,' and then, in the same place, accompanied by Mr. Williame Reid, notary in Abirdeine, Mr. Andro Clerk, Mr. Andro Irving, Mr. George Innes, and Gilbert Dowye, 'cruellie invadit the said compleinar behind his bak for his slauchter, hurt and woundit him in the hind heid to the grit effusioun of his bluid, and had slaine [him] wer not the providence of God and help of certane weill-willairis that saiffit him; quhilk is not samekle to be respectit for his persoun as for the service that he occupyit under the said Thesaurair and Lordis of Counsale and Sessioun, and that this unhonest persuit is done be sic a man as is advocat befoir the saidis Lordis, and sa faine wald be a judge, not taryand to decyd his controversie, gif ony wer, be his awin craft of the law, bot taking his advantaidge be armes and violence, in hie and proud contemptioun of his Hienes authoritie and lawes, and to the evill example of ignorant and lawless people to attempt mischeiffis be force quhen thay sall see professouris of the law to begyn to ly at await as briganis for innocent menis lyves.' Mr. Williame Reid and Gilbert Dovye having been charged to appear this day and answer, and not appearing, while the complainer appears personally, are to be denounced rebels."

Eighteen months later (22nd August, 1594), we find Mr. George Abercromby and Mr. William Reid signing together as witnesses to a bond of caution in a case of lawborrows.[1]

On the list of the Society of Advocates, he appears as William Reid of Barra, admitted in 1589.

1595. JOHN LESLIE.

It is a little difficult to follow the course of events which resulted in the appointment, on 21st July, 1595, of John Leslie, Notary Public, as Sheriff Clerk along with Mr. William Reid. Possibly Mr. John Leith, who was originally nominated along with Reid, had withdrawn in consequence of Fraser's opposition. However that might be, there can be no doubt that Leslie, whose name appears occasionally in the records

1 *Re . Privy Council*, V., p. 633.

of the period as a Notary and follows next after that of Leith on the list of the Society of Advocates in Aberdeen, accepted office and was sworn in. No other mention of him in the capacity of Sheriff Clerk has been found, and no notice of him is taken in the account of Mr. William Anderson's installation.

1597-1600. Mr. WILLIAM ANDERSON.

Although Mr. Anderson is called a burgess of Aberdeen on the occasion of his taking office as Sheriff Clerk, his name does not appear on the published list. He was a Notary, and admitted an Advocate in Aberdeen in 1584. There are evidences throughout the public records that he acted as Notary in more than one Gordon transaction, and from subsequent events it is plain that he was closely allied with that family and their chief.

The conferring of the office upon the Countess of Huntly's nominee was an indication of the secret favour of King James VI. for the family, in spite of their headstrong resistance to authority, and it is worthy of note in this connection, that Mr. Anderson's installation preceded by only a few days the famous submission of the Earls of Huntly and Erroll to the Church, and their release from excommunication.

The history of Mr. Anderson's long period of service as Sheriff Clerk belongs, however, not to the 16th but to the 17th century.

The Procurators Fiscal.

1584-(?)92. Mr. GEORGE BARCLAY.

Mr. George Barclay was admitted an Advocate in Aberdeen in 1568 and a burgess in 1569.[1] He was also a Notary Public, and was married to one Marjory Cheyne before 1581, when he and she had conveyed to them the ruined buildings in connection with the Churches of Snow and Invernochtie in Old Aberdeen.[2] His name occurs very frequently in the latter part of the 16th century, and when the office of Procurator Fiscal is first mentioned in the Sheriff Court books in 1584,[3] it was filled by him.

Mr. George Barclay seems to have been considerably employed in connection with the affairs of the Earl of Erroll, and signed as a witness at Slains on 2nd December, 1592,[4] being then designed "Advocate." In January following he was a witness at Banff under the designation "Advocate in Aberdeen."[5] At Turriff in April, 1594,[6] a Mr. George Barclay, Notary Public and Sheriff Clerk of Banffshire, signed as a witness to a Charter by Francis Earl of Erroll, and a similar instance is found in September, 1597.[7] On the latter occasion Mr. William Barclay, the successor of Mr. George as Fiscal in Aberdeenshire, was also a witness. In the whole circumstances it may be inferred with some degree of confidence that, after being Fiscal in Aberdeenshire, the subject of this notice obtained the office of Sheriff Clerk of Banffshire.

1594(?)-1600. Mr. WILLIAM BARCLAY

became an Advocate in Aberdeen in 1595, and was Procurator Fiscal in succession to Mr. George Barclay, whose son or near relation he probably was. He acted as a witness, along with Mr. George, to a Charter by Lord Erroll in May, 1592,[8] and other entries in the Register of the Great Seal indicate close relations with the Erroll family. His wife's name was Agnes Hay,[9] but her descent has not been discovered.

1 *Misc. New Spalding Club*, p. 69. 2 *Reg. Mag. Sig.* 3 *Supra*, p. 295.
4 *Reg. Mag. Sig.* 5 *Ibid.* 6 *Ibid.* 7 *Ibid.* 8 *Ibid.* 9 *Ibid.*

ERRATA.

Page 146. *For* John Leslie of Bolquhane *in 2nd entry, read* Andrew Leslie of Boquharne.

Page 173. *For* 3d May *read* 23d May, *twice.*

Page 237. *For* 16 *and* 17 *read* 18 *and* 27 February.

Page 310. *For* epts *in last entry read* accepts.

Taylor & Henderson, The King's Printers, Aberdeen.

SIXTEENTH REPORT BY COUNCIL

1902

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The New Spalding Club.

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[*Subscription for* 1903, £1 1s., *due 1st January.*]

SIXTEENTH REPORT BY THE COUNCIL.

Submitted at the Sixteenth Annual General Meeting of the New Spalding Club, held on Wednesday, 31st December, 1902, at 2.30 p.m.

SINCE the last General Meeting, held on Tuesday, 31st December, 1901, two volumes have been issued to members, *viz.*:—

THE ALBEMARLE PAPERS, 1746-48. Edited by Charles Sanford Terry, M.A. 2 vols. (Pp. 572 + lxxxvii., with eight plates. Fifteenth Annual Report).

The printing of two other works is well advanced, and they will, it is hoped, be issued early in 1903. They are :—

I.—THE HOUSE OF GORDON. Vol. I. Edited by John Malcolm Bulloch, M.A. As explained in last Report, this work takes the form of monographs by different writers dealing with the history of the family and its various branches. Of these the following have been printed off and will be included in Vol. I. :—

Genealogical Account of the Family of Gordon. By James Gordon of Balbithan, circa 1730. From a MS. lent by Mrs. Dalrymple of Kinellar Lodge. 68 pp.

The Gordons of Abergeldie. By J. M. Bulloch. 48 pp.

The Gordons of Coclarachie. By the Rev. Stephen Ree, B.D., Boharm. 48 pp.

The Gordons of Gight. By J. M. Bulloch. 146 pp.

Volume I. will be completed by a series of Appendices containing lists of all Gordon entries in the Services

of Heirs for Scotland, 1545-1799, in the Poll Book of 1696, in the Albums of the Scottish Universities, in the Records of Parliament, of the Church of Scotland, of the Faculty of Advocates, and of the Society of Writers to the Signet; and by a full Bibliography of extant Gordon MSS. and accounts of the family in printed books.

Volume II. will contain some at least of the following items:—

The Gordons of Lesmoir. By Captain Douglas Wimberley.

The Gordons of Beldornie. By the Rev. Charles Bruce, M.A., Glenrinnes.

The Gordons of Glenbucket or *of Park.* By J. M. Bulloch.

Historiae compendium de origine et incremento Gordoniae familiae. By John Ferrerius, circa 1545. From MSS. in the Advocates' Library, in Gordon Castle, and in the possession of Mrs. Dalrymple: collated by Rev. S. Ree.

Origo et progressus familiae Gordoniorum. By Robert Gordon of Straloch, circa 1655. From the original MS.: also to be edited by Rev. S. Ree.

The Pourtrait of True Loyalty Exposed in the Family of Gordon. By David Burnet, circa 1691. From the original MS.

Vera Narratio ingentis et miraculi plenae victoriae apud Avinum. By Alexander Macquair, S.J., circa 1594. From a MS. in the Advocates' Library.

The Council has pleasure in reporting that the President of the Club intimates his intention of contributing a volume to the series of Gordon monographs, dealing with the branch of the family which he represents, and edited by the Rev. James Brebner, M.A., Forgue.

The Council recognises with much satisfaction this proof of the President's interest in the welfare of the Club, recalling that taken in the original Spalding Club by its President, the fourth Earl of Aberdeen, who contributed two of the largest and most important volumes, the "Collections on Aberdeen and Banff," edited by Joseph Robertson, and the "Fasti Aberdonenses," edited by Cosmo Innes.

II.—THE RECORDS OF ELGIN. Compiled by William Cramond, LL.D. Vol. I. Municipal Elgin. Of this there have been printed off the portions dealing with

Elgin in Pre-Reformation Times;
Elgin Burgh Court Book, 1540-1800;

and in the press are selections from

Elgin Town Council Minutes, 1636-1800.

As explained in last Report the volume will be enriched with extra illustrations through the generosity of Colonel G. A. Cooper. The second volume will be devoted mainly to "Ecclesiastical Elgin".

A third work which is now ready for press and the printing of which will proceed during 1903, is :—

III.—THE RECORDS OF THE SHERIFFDOM OF ABERDEEN. Vol. I. Edited by David Littlejohn, Sheriff Clerk. The volume will deal with four classes of Records in the custody of the Editor :—

1. *Diet Books of Court*, 1503 to 1749, in 31 volumes. The earliest of these begins at a period many years prior in date to any other extant Scottish judicial record: the oldest known being the Books of the Sheriff Courts of Perthshire and Fifeshire, in 1570 and 1575 respectively. The contents of the Diet

Books are extremely varied, and a general description will be given of each volume, with a complete table of contents of the two oldest volumes (1503-11 and 1557-60).

2. *Books of Extended Decrees*, 1597 to 1693, in 13 volumes. In dealing with these more detail will be given; such entries being noticed or quoted as seem to refer to persons, places or subjects that are interesting or illustrative.
3. *Books of Judicial Enactments*, 1605 to 1729, in 8 volumes. These relate to persons appearing in Court and undertaking obligations of very varied character, and will be dealt with in the same method as the Decrees.
4. *Books of Fiars Courts*, with tables of Fiars Prices beginning with crop 1603, being a quarter of a century earlier in date than Sheriff's Fiars found for any other Scottish county: incomplete until 1690, after which they are continuous.

Volume II. will analyse the Diet Books and treat of their contents under separate heads. It will also deal with

5. *Registers of Deeds*, 1606 to 1766, in 35 volumes.
6. *Record Books of Criminal Trials* from 1733.
7. *Records of Services of Heirs.*
8. *Proceedings at Elections of Members of Parliament* (occasional), from John Leslie of Balquhane and Sir Alexander Fraser of Fraserburgh in 1595-6.
9. *Lists of all Officials of the Court*, with biographical notes, from P. de Maleuille, sheriff in 1222.

IV.—Bibliography of the Shires of Aberdeen, Banff, and Kincardine. On the suggestion of the Joint Editors, the Council has approved of an arrangement

by which Mr. A. W. Robertson will edit Part I., to consist of a chronological and bibliographical catalogue of all works which by reason of their subject, or of their place of preparation or publication, are considered worthy of full treatment; and Mr. J. F. Kellas Johnstone will edit Part II., to consist of an abbreviated alphabetical list of all works either described in Part I., or worthy of inclusion because of their authors' birth or education within the three counties, together with summaries of the outstanding facts in the careers of the authors. Mr. J. P. Edmond has courteously permitted the incorporation in the "Bibliography" of such portions of his well-known "Aberdeen Printers," with additions, as are pertinent to the plan recommended by the editors.

It is not necessary, at present, to do more than refer to the undernoted works which are approaching completeness in the hands of their respective editors.

V.—Diary of the Scots College at Douai. Edited by the Rev. William Forbes Leith, S.J., who writes that he is most anxious to have the book ready before the end of 1903.

VI.—Records of Old Aberdeen. Edited by Alexander M. Munro, Vol. II. [See 12th Report, p. 5.]

VII.—Records of the Aberdeen Friars: Red, Black, White and Grey, 1211-1560. Edited by Francis C. Eeles. [See 14th Report, p. 7.]

VIII.—Records of the Synod of Moray: With Fasti of Schoolmasters. Edited by the Rev. Stephen Ree, B.D. [See 7th Report, p. 5.]

IX.—Folklore of North-Eastern Scotland, based on

the MS. Collections of the late Rev. Walter Gregor, LL.D. Edited by James E. Crombie, M.A. [See 12th Report, p. 6.]

X.—THE RISE OF NATURAL SCIENCE IN THE NORTH OF SCOTLAND, based on the MS. Collections of the late David Skene, M.D. Edited by Professor J. W. H. Trail, F.R.S. [See 4th Report, p. 6.]

In its last Report the Council had occasion to speak of the late Mr. William Troup's MS. collections regarding the FAMILY OF FORBES, which have come into the possession of the Club. Since the adoption of that Report certain portions of Mr. Troup's papers were tested by a careful comparison with original records. The results were so discouraging that the Sub-Committee (Colonel Allardyce and Mr. Alexander Forbes), who were requested to examine Mr. Troup's papers, were constrained to report that "though there is a great deal of valuable matter in the MSS. they do not consider that the Club can take any action in the matter of Mr. Troup's History". The Council can, therefore, only reiterate its opinion that if a History of the Family of Forbes is to be undertaken, it must be begun *de novo* on more modern lines, and in the light of recent Record publications; preferably according to the method adopted for the House of Gordon.

The Executive Committee, at a meeting held in May last, approved a proposal made by Mr. James Wilson, who was then Fordyce lecturer in the University, to revive the scheme of issuing a volume dealing with the HISTORY OF AGRICULTURE in North-Eastern Scotland—a project which had fallen to the ground through the death of Dr. William Alexander, who had undertaken the editorship. Mr. Wilson called attention to the Minutes of the Farming Club at Gordon's Mill, 1758-65, an interesting MS. in the University Library; to a collection of

diaries and miscellaneous papers preserved at Warthill illustrative of the agricultural and domestic arrangements of several centuries past, to which Mr. Arbuthnot Leslie has promised free access; to the "Rental of the Forbes Estates in 1552," affording detailed information regarding the rural economy of the county in the sixteenth century, which Lord Forbes has placed at the disposal of the Club; and to several similar rentals of Mar in the 17th century, preserved at Aboyne Castle. Mr. Wilson expressed the belief that many other proprietors in the district could furnish further illustrative material. The Committee authorised the preparation of a volume such as suggested, to be edited by Mr. Wilson; and the transcription of several MSS. was begun. Mr. Wilson has recently accepted a Professorship of Agriculture in Dublin, but the Council hopes that —possibly after a little delay—he will still be able to spare the time necessary for carrying out the scheme that he had suggested.

It will be in the recollection of members that at last General Meeting a motion was submitted by the Rev. John Milne, LL.D., late of King Edward, and seconded by the Rev. A. J. Milne, LL.D., Fyvie, in the following terms :—

"That the Executive Committee be requested to take measures for the publication annually of one or more volumes giving a full and minute history of the North-Eastern Counties of Scotland for some definite period".

This motion was remitted to the Committee for report. The Committee, after careful consideration of a detailed explanation of his proposal by Dr. Milne, came reluctantly to the conclusion: "That the scheme suggested by Dr. Milne is not merely beyond the means at the disposal of the Club, but is also outwith its functions, which they consider to be rather to provide material for historians than to undertake extensive historical works". This decision the Council endorses.

SIXTEENTH REPORT BY COUNCIL

1902

THE ABERDEEN UNIVERSITY PRESS LIMITED

		Brought forward,	£65	4	5	
May	26.	Aberdeen Univ. Press: sundries,	6	2	7	
,,		D. Wyllie & Son: books, . .	2	12	9	
,,		Milne & Hutchison: sundries, .	0	4	0	
June	10.	Edmond & Spark: do., .	7	6	3½	
,,		Miss H. Paterson: typewriting, .	1	13	0	
,,	11.	J. M. Anderson: searches, . .	3	3	3	
July	19.	Milne & Hutchison: printing, to account, ...	25	0	0	
Aug.	5.	E. Dossetter: photographing, .	0	7	2	
,,	30.	Newton Bros.: do., .	1	11	3	
Sept.	6.	Carl Hentschel: engraving, .	7	8	0	
,,	30.	G. Stronach: transcribing, . .	2	6	3	
,,		Dr. Cramond: outlays, . .	5	0	3	
,,		J. W. Mackie: photographing, .	4	0	3	
Nov.	20.	Edmond & Spark: sundries, .	1	3	0	
Dec.	1.	T. & R. Annan & Sons: photogravures, ...	16	0	0	
,,		Aberdeen Univ. Press: printing,	168	1	0	
,,	8.	G. Stronach: transcribing, .	1	1	0	
,,		Grosvenor, Chater & Co.: paper,	232	8	0	
,,	12.	Rev. H. Paton: searches, . .	7	5	0	
,,	17.	Taylor & Henderson: lithographing, ...	17	11	0	
,,		T. & R. Annan & Sons: collotypes,	32	10	0	
,,	18.	Edmond & Spark: binding, .	59	14	8	
,,		J. M. Corner: engraving, . .	1	0	1½	
						£668 13 3

II. Secretary and Honorary Treasurer.

Secretary's Salary, 1901-1902, . . .	£26	5	0
Secretary's Postages, 17th Dec., 1901, to date,	9	15	10
Hon. Treasurer's sundry outlays, including Insurance on paper, etc., . . .	6	0	0
			42 0 10

Carry forward, £710 14 1

Brought forward, £710 14 1

III. Assets as at 18th December, 1902.

Loan to Aberdeen School Board,		£350	0	0
Loan to Aberdeen Town Council		350	0	0
Deposit Receipt with Town and County Bank Ltd., being Composition received from eight Life Members,		84	0	0
Five do., with do.,		421	9	7
			1205	9 7[1]

Amount of the Discharge, equal to the Charge, £1916 3 8

Note.—The Miscellaneous Disbursements above are allocated as follows:—

I. "Records of Invercauld."

Editor's outlays		£3	8 11

II. "Albemarle Papers," I. and II.

[Paper: paid in 1900.]

Transcribing,	£18 5 8		
Printing,	168 1 0		
Illustrations,	27 13 8		
Binding,	41 1 9		
Packing, carriage, etc.,	18 12 11		
		273 15	0[2]

III. "House of Gordon," I.

[Paper: paid in 1900.]

Transcribing,	£16 2 6		
Illustration,	8 0 4		
		24 2	10

III. "Records of Elgin," I.

Paper	£37 14 0		
Editor's outlays,	8 0 3		
Printing,	25 0 0		
Illustrations,	74 10 7½[3]		
		145 4	10½
Carry forward,		£446 11	7½

[1] Together with paper in stock, value £194 14s. od., see below.
[2] Together with cost of paper used, £102. Total, £375 15s. od.
[3] £50 of this amount defrayed by Colonel G. A. Cooper.

Brought forward,		£446	11 7½
IV. Sundries.			
Books of reference,	£3 13 9		
Forbes searches,	7 5 0		
Miscellaneous printing, typing, etc.,	7 15 7		
Miscellaneous stationery, postages, etc.,	8 13 3½		
Paper in stock, 89$\frac{1}{16}$ reams,	194 14 0		
		222	1 7½
		£668	13 3

RULES.

(As approved 11th November, 1886, and amended 16th December, 1886, 21st December 1894, and 29th December, 1897.)

1. The objects of the New Spalding Club shall be to promote the study of the History, Topography, and Archæology of the North-eastern Counties of Scotland, and to print works illustrative thereof.

2. The Club shall consist of five hundred [*16th Dec.*, 1886] members, subscribers of one guinea annually: each subscription to be paid on or before the first day of January in each year.

3. The general management of the affairs of the Club shall be vested in a Council, consisting of a President, at least ten Vice-Presidents, and not fewer than forty ordinary members, including a Secretary and a Treasurer: all to be chosen yearly at a General Meeting of the Club, to be held at Aberdeen, in the Month of October, or at such other time within each year as may be found convenient. At all Meetings of the Council seven members shall form a quorum.

4. Immediately after the Annual General Meeting the Council shall elect Acting Committees to carry on the work of the Club.

5. The accounts of the Club shall be audited annually, by two Auditors, to be chosen at the Annual Meeting from among the members.

6. The name of any member in arrear with his annual subscription on the first day of October in each year may be removed from the list of members.

7. Vacancies in the membership shall be filled up according to priority of application.

8. Members may, at any time, compound for all future annual subscriptions, by payment of ten guineas over and above the subscription for the current year; and it shall be in the power of the Council to exempt from subscriptions, annual or other, any member who may present to the Club a work, the printing of which, as a Club publication, has been sanctioned by the Council.

9. Every member shall receive one copy of every volume assigned by the Club to the years for which he has paid subscriptions; and the editor of each work shall receive five additional copies of his work. [The heir, executor or representative of a member shall have no claim to volumes issued by the Club after the member's death, unless he be admitted a member of the Club in place of the deceased. *21st Dec.*, 1894.]

10. The number of copies printed in each case shall not exceed five hundred and twenty-five, and no copy of any work printed by the Club shall be offered by it for sale; [but it shall be competent for the Editorial Committee to arrange for extra copies not exceeding twenty-five, additional to the five hundred and twenty-five, of any volume considered appropriate, to be placed at the disposal of the University of Aberdeen, which shall refund to the Club the prime cost of such extra copies, and employ them, outwith the bounds of the United Kingdom, as part of a series of inter-academical publications. *29th Dec.*, 1897.]

11. The Club shall undertake the issue of its books without the intervention of publishers or booksellers.

12. A General Meeting of the Club may be called at any time on presentation to the Secretary of a requisition signed by twenty members; and the above rules may be altered at any General Meeting, provided that the members have received from the Secretary at least fourteen days' notice of the proposed change.

WORKS ISSUED BY THE NEW SPALDING CLUB.

MEMORIALS OF THE FAMILY OF SKENE OF SKENE, FROM THE FAMILY PAPERS, WITH OTHER ILLUSTRATIVE DOCUMENTS. Edited by William Forbes Skene, D.C.L., LL.D., Her Majesty's Historiographer for Scotland. (Pp. 269 + xv., with six full-page plates. First Annual Report.) 1887. [*Out of print.*]

DESCENT OF THE FAMILY OF SKENE. Compiled by Henry John Trotter, M.P. 1888. [*Presented by the Compiler.*]

CARTULARIUM ECCLESIAE SANCTI NICHOLAI ABERDONENSIS. Recognovit Jacobus Cooper, S.T.D., in Ecclesia supradicta Presbyter. Tomus prior. (Pp. 278 + xix., with three plates. List of members, 11th November, 1887.) 1888. [*Out of print.*]

Do. do. Tomus alter. (Pp. 496 + lxvi., with twelve plates, eight in colour.) 1892. [10s. 6*d.*]

LACUNAR BASILICAE SANCTI MACARII ABERDONENSIS: The Heraldic Ceiling of the Cathedral Church of St. Machar, Old Aberdeen. Described in Historical and Armorial Detail by William Duguid Geddes, LL.D., and Peter Duguid. (Pp. 172 + xix., with thirty plates, twenty-four in heraldic colours. Second Annual Report.) 1888. [*Out of print.*]

FASTI ACADEMIAE MARISCALLANAE: Selections from the Records of the Marischal College and University, MDXCIII.-MDCCCLX. Edited by Peter John Anderson, M.A., LL.B. Vol. I. Endowments. (Pp. 577 + xxxi., with five plates.) 1889. [*Out of print.*]

Do. do. Vol. II. Officers, Graduates and Alumni. (Pp. 596 + xxii., with thirteen plates.) 1898. [10s. 6*d.*]

Do. do. Vol. III. Index to Vol. II: Compiled by James F. Kellas Johnstone. (Pp. 196 + viii., with three plates. Eleventh and Twelfth Annual Reports. List of members, 1894-98.) 1898. [10s. 6*d.*]

SELECTIONS FROM WODROW'S BIOGRAPHICAL COLLECTIONS: Divines of the North-east of Scotland. Edited by the Reverend Robert Lippe. (Pp. 360 + lxxxv., with two plates. Third Annual Report.) 1890. [*Out of print.*]

THE MISCELLANY OF THE NEW SPALDING CLUB. Vol. I. (Pp. 391 + lxii. Fourth Annual Report. List of members, 12th December, 1890.) 1890. [*Out of print.*]

THE ANNALS OF BANFF. Compiled by William Cramond, LL.D., Schoolmaster of Cullen. Vol. I. (Pp. 385 + xv., with nine plates.) 1891. [*Out of print.*]

Do. do. Vol. II. (Pp. 498 + xi., with eleven plates. Sixth Annual Report.) 1893. [*Out of print.*]

MUSA LATINA ABERDONENSIS: Edited by Sir William Duguid Geddes, LL.D. Arthur Johnston. Vol. I. The Parerga of 1637. (Pp. 318 + xxiv., with six plates. Fifth Annual Report.) 1892. [*Out of print.*]

Do. do. Vol. II. The Epigrammata and remaining secular Poems. (Pp. 308 + lvi., with nine plates. Eighth Annual Report.) 1895. [*Out of print.*]

HAND-LIST OF BIBLIOGRAPHY OF THE SHIRES OF ABERDEEN, BANFF AND KINCARDINE. By Alexander W. Robertson, M.A. (8vo: Pp. 133 + iv.) 1893. [2s. 6*d.*]

OFFICERS AND GRADUATES OF UNIVERSITY AND KING'S COLLEGE, ABERDEEN, MVD.-MDCCCLX. Edited by Peter John Anderson, M.A., LL.B. (Pp. 399 + xx., with four plates.) 1893. [10s. 6*d.*]

HECTORIS BOETII MURTHLACENSIUM ET ABERDONENSIUM EPISCOPORUM VITAE. Edited and Translated by James Moir, M.A., LL.D., Co-Rector of Aberdeen Grammar School. (Pp. 210 + xx., with two plates. Seventh Annual Report. List of members, 30th June, 1894.) 1894. [10s. 6*d.*]

THE RECORDS OF ABOYNE, MCCXXX.-MDCLXXXI. Edited by Charles, 11th Marquis of Huntly, Earl of Aboyne, etc., P.C., LL.D. (Pp. 590 + xliv., with eleven plates.) 1894. [21s.]

HISTORICAL PAPERS RELATING TO THE JACOBITE PERIOD, 1699-1750. Edited by Colonel James Allardyce, LL.D. Vol. I. (Pp. 338 + l., with eleven plates.) 1895. [*Out of print.*]

Do. do. Vol. II. (Pp. 314 + lii., with twelve plates. Ninth Annual Report.) 1896. [*Out of print.*]

THE RECORDS OF THE MEETING OF THE EXERCISE OF ALFORD, 1662-88. Edited by the Reverend Thomas Bell. (Pp. 439 + xlix. Tenth Annual Report.) 1897. [10s. 6*d.*]

RECORDS OF OLD ABERDEEN, MCLVII.-MDCCCXCI. Edited by Alexander M. Munro, F.S.A. Scot. Vol. I. (Pp. 390 + xxxvi., with six plates.) 1899. [10s. 6*d.*]

THE PLACE NAMES OF WEST ABERDEENSHIRE. By the late James Macdonald, F.S.A. Scot. (Pp. 347 + xxvii. Thirteenth Annual Report.) 1899. [10s. 6*d.*]

THE FAMILY OF BURNETT OF LEYS WITH THE COLLATERAL BRANCHES. From the MSS. of the late George Burnett, LL.D., Lyon King of Arms. Edited by Colonel James Allardyce, LL.D. (Pp. 367 + xxiii., with twenty-one plates. Fourteenth Annual Report.) 1901. [10s. 6*d.*]

GENEALOGICAL TREE OF THE FAMILY OF BURNETT OF LEYS WITH THE COLLATERAL BRANCHES. Compiled by William Kendall Burnett, M.A. 1893. [*Presented by the Compiler.*]

THE RECORDS OF INVERCAULD, MDXLVII.-MDCCCXVIII. Edited by the Reverend John Grant Michie, M.A., Minister of Dinnet. (Pp. 523 + xi., with nine plates.) 1901. [10s. 6d.]

THE ALBEMARLE PAPERS, 1746-48. Edited by Charles Sanford Terry, M.A. 2 vols. (Pp. 572 + lxxxvii., with eight plates. Fifteenth Annual Report.) 1902. [21s.]

THE HOUSE OF GORDON. Edited by John Malcolm Bulloch, M.A. Vol. I. (*In the Press.*)

THE RECORDS OF ELGIN. Compiled by William Cramond, LL.D., Schoolmaster of Cullen. Vol. I. (*In the Press.*)

THE RECORDS OF THE SHERIFFDOM OF ABERDEEN. Edited by David Littlejohn. Vol. I. (*In the Press.*)

SEVENTEENTH REPORT BY COUNCIL

1903

THE ABERDEEN UNIVERSITY PRESS LIMITED

The New Spalding Club.

The Spalding Club founded 23rd December, 1839.
The New Spalding Club reconstituted 11th November, 1886.

Patron:

HIS MAJESTY THE KING.

OFFICE-BEARERS FOR 1903-04.

President:

THE EARL OF ABERDEEN, G.C.M.G., LL.D.

Vice-Presidents:

THE DUKE OF RICHMOND AND GORDON, C.B.
THE DUKE OF FIFE, K.T., G.C.V.O.
THE MARQUIS OF HUNTLY, LL.D.
THE EARL OF STRATHMORE.
THE EARL OF SOUTHESK, K.T., LL.D.
THE EARL OF KINTORE, G.C.M.G., LL.D.
THE EARL OF ROSEBERY, K.G., K.T., LL.D.
THE LORD FORBES.
THE LORD SALTOUN.
RT. HON. JAMES A. CAMPBELL of Stracathro, M.P., LL.D.
THE LORD PROVOST OF ABERDEEN.
SIR JOHN F. CLARK, of Tillypronie, Bart., LL.D.
SIR GEORGE REID, R.S.A., LL.D.
*COLONEL JAMES ALLARDYCE of Culquoich, LL.D.
*WILLIAM FERGUSON of Kinmundy, LL.D.
EMERITUS PROFESSOR DAVID MASSON, LL.D.

Ordinary Members of Council:

W. Bruce Bannerman, Croydon.
*John Bulloch, Aberdeen.
Sir Thomas Burnett, of Leys, Bart.
The Right Rev. Bishop Chisholm, D.D., LL.D., Aberdeen.
The Rev. Professor James Cooper, D.D., Glasgow.
*Patrick Cooper, Advocate, Aberdeen.
*William Cramond, LL.D., Cullen.
Peter M. Cran, City Chamberlain, Aberdeen.
Professor W. L. Davidson, LL.D., Aberdeen.
William Dunn of Murtle.
John Philip Edmond, Haigh.
James Ferguson, Sheriff of Argyll.
*Alexander Forbes, Aberdeen.
Alexander M. Gordon of Newton.
Henry Wolrige-Gordon of Esslemont.
John A. Henderson, Cults.
Sir William Henderson, LL.D., Aberdeen.
Colonel Thomas Innes of Learney, C.V.O., LL.D.
*Colonel W. Johnston of Newton Dee, C.B., M.D.
J. F. Kellas Johnstone, London.
The Rev. William Forbes Leith, S.J., Boscombe.
*David Littlejohn, LL.D., Sheriff-Clerk, Aberdeen.
*Peter Duguid-M'Combie of Easter Skene.
**The Rev. John G. Michie, deceased.*
*Alexander M. Munro, Aberdeen.
Robert S. Rait, Oxford.
Alexander Ramsay, LL.D., Banff.
*Alexander W. Robertson, Banchory.
*The Rev. James Smith, B.D., Aberdeen.
Sir David Stewart of Banchory, LL.D.
*Professor C. Sanford Terry, Aberdeen.
*George Walker, Aberdeen.
Robert Walker, University of Aberdeen.
John Forbes White, LL.D., Dundee.
*John Dove Wilson, LL.D., Aberdeen.
Robert M. Wilson of Tarty, M.D.

Secretary:

*PETER JOHN ANDERSON, University Library, Aberdeen.

Treasurer:

*FARQUHARSON TAYLOR GARDEN, 18 Golden Square, Aberdeen.

Auditors:

WILLIAM MILNE, C.A., Aberdeen; ANDREW DAVIDSON, C.A., Aberdeen.

** Members of Executive Committee.*

[*Subscription for 1904, £1 1s., due 1st January.*]

SEVENTEENTH REPORT BY THE COUNCIL.

Approved at the Seventeenth Annual General Meeting of the New Spalding Club, held on Tuesday, 29th December, 1903, at 3 p.m.

SINCE the last General Meeting, held on Wednesday, 31st December, 1902, two large volumes have been issued to members, *viz.*:—

I.—THE HOUSE OF GORDON. Edited by John Malcolm Bulloch, M.A. Vol. I., containing the Balbithan MS., and the cadet branches of Abergeldie, Coclarachie, and Gight, together with Appendices and a Bibliography of Gordon genealogy. (Pp. lxxviii. + 533, with a frontispiece.)

II.—THE RECORDS OF ELGIN, 1234-1800. Compiled by William Cramond, LL.D. Vol. I., containing Extracts from the Burgh Court Book, and the Minutes of Town Council, together with all References to Elgin in the Register of the Great Seal, the Register of the Privy Council, the Exchequer Rolls and other public records. (Pp. xi. + 509, with a frontispiece in colour and twenty-two other illustrations, for which the Club is indebted to the generosity of one of its members, Mr. George A. Cooper.)

The total of 1131 pages contained in these two volumes is in excess of the amount issued in any previous year of the Club's existence.

The printing of two other volumes has been begun, and they will be issued to members in 1904. They are :—

III.—The Records of the Sheriff Court of Aberdeenshire. Edited by David Littlejohn, LL.D., Sheriff Clerk. Vol. I. The amount of unpublished material in Dr. Littlejohn's custody is so extensive that it has been found necessary to restrict the first volume to a selection from the Records of the Sheriffdom prior to the end of the sixteenth century. The Diet Books of Court falling within that period will be exhaustively treated, and a second part will contain lists of all Officials of the Court, with biographical notes.

IV.—The Records of the Scots College at Douai, 1581-1772. Edited by the Rev. William Forbes Leith, S.J. This work has been on the programme of the Club for many years, and it gives the Council great satisfaction to be able to report that Father Forbes Leith's MS. is at last in the printer's hands. The volume, it is believed, will prove to be of much more than purely local interest.

The manuscript for other four volumes is well advanced, so that there will be no lack of material ready for issue in 1905. These four volumes are :—

V.—The House of Gordon. Vol. II. This will probably include a selection of the early histories of the family (by Ferrerius, Gordon of Straloch, Burnet, Macquair), still extant in MS., with contributions by Captain Douglas Wimberley, the Rev. Stephen Ree, the Editor of the series, and others.

VI.—The Records of Elgin. Vol. II. This will deal with the Minutes of the Kirk Session and the Presbytery of Elgin, and other records illustrating the

ecclesiastical and educational history of the burgh; and will contain a general Introduction by the Editor.

VII.—THE RECORDS OF OLD ABERDEEN. Edited by Alexander M. Munro. Vol. II. This also will deal with the ecclesiastical life of the burgh.

VIII.—BIBLIOGRAPHY OF THE SHIRES OF ABERDEEN, BANFF AND KINCARDINE. Compiled by Alexander W. Robertson, M.A., and J. F. Kellas Johnstone.

Other works, mentioned in former Reports, are approaching completeness in the hands of their respective editors.

At the last General Meeting of the Club some letters were read from Surgeon-General Bidie, Mr. William Carnie, and Mr. Gavin Greig, regarding the possibility of forming a collection of the older popular music of the N.E. district; and the subject was referred to the Committee for consideration. Mr. Greig, who thinks that given time the project is feasible, is expected to report more fully at the meeting of the Club.

In the thirteenth Report by the Council a list was given of foreign Academies, in Berlin, Brussels, Calcutta, Göttingen, Leipzig, Munich, Ottawa, Paris, Rome, St. Petersburg, Sydney, Tokyo, Turin, Upsala, Vienna and Washington, which become possessed of certain of the issues of the Club, placed under Rule 10 at the disposal of the University of Aberdeen to serve as part of a series of inter-academical publications. To the Academies then named there now fall to be added the following:—

AMSTERDAM.—Koninklijke Akademie van Wetenschappen.

COPENHAGEN.—Kongelige Danske Videnskabernes Selskab.

STOCKHOLM.—Kunglig Svenska Vetenskaps Akademien.

A detailed list of the series of "Aberdeen University Studies" will be found appended to this Report (p. 20).

Since the last Report was submitted by the Council, nine

members of the Club have died: His Grace the Duke of Richmond and Gordon, one of the Vice-Presidents of the Club; Mr. William Coutts, Edinburgh; Mr. James W. Duncan, Aberdeen; Mr. Thomas L. Galbraith, Stirling; Dr. Robert J. Garden, Aberdeen; Mr. Charles Lewis Gordon of Abergeldie; Mrs. Thomas Leslie, Banchory; Mr. John Forbes Robertson, London, a Member of the Council, who in the early years of the Club's existence was a prominent figure at the Annual Meetings; Mr. A. J. Simpson, London; and Mr. Alexander Walker, LL.D., Aberdeen, a Member of the Executive Committee, and one of the most active promoters of the reconstitution of the Club in 1886. The places rendered vacant by some of these deaths have, under Rule 9, been filled by representatives of the deceased members, but other vacancies allow the admission of new members. As new members are usually desirous of securing a full set of the Club's publications, it may be stated that although the earlier issues are entirely out of print (as indicated on p. 17), the volumes occasionally come into the market, and the Secretary can usually direct a new member to a source whence they may be obtained.

Inquiries are so often addressed to the Secretary regarding the volumes issued by the original Spalding Club, that it has been thought well to append to this Report a bibliographical list of its publications as well as those of the New Spalding Club. A note is also added of certain works which, from their having been issued uniform with the Club volumes, are often incorrectly cited as if forming integral parts of either series.

The Council wish to express their continued obligation to the Society of Advocates for permitting the Annual General Meeting of the Club to be held in the Society's Hall; and to the Curator of the University Library for granting the use of a room for Committee meetings.

W. FERGUSON, *C.*

ABSTRACT.

Framed from the Annual Accounts of the Club for the period from 18th December, 1902, to 21st December, 1903.

THE CHARGE.

Assets at close of last account,	£1205	9	7	
Subscriptions for year 1903,	456	15	0	
Subscriptions for year 1904,	10	10	0	
Composition for Life Membership,	10	10	0	
Arrears and payments by new members for back volumes,	3	13	6	
Interest,	38	4	0	
Amount of the Charge,				£1725 2 1

THE DISCHARGE.

1903. I. MISCELLANEOUS ACCOUNTS PAID.

Jan. 14.	Miss M. Craig: transcribing,	£0	7	0
,, 23.	Mr. C. M. Lawrence: typewriting,	0	7	6
,, 28.	Scottish Record Soc.: subscription,	1	1	0
Feb. 4.	Miss H. Paterson: typewriting,	6	9	0
,, 18.	Milne & Hutchison: printing, to account,	25	0	0
Apr. 20.	Mr. J. F. K. Johnstone: outlays,	2	2	0
June 3.	Taylor & Henderson: tracing,	0	2	0
,,	Aberdeen Univ. Press: sundries,	6	19	0
,,	Edmond & Spark: do.,	4	4	9
July 23.	Mr. G. Stronach: transcribing,	0	10	0
Aug. 4.	Miss H. Paterson: typewriting,	1	2	6
,,	Rev. Dr. Milne: transcribing,	18	4	0
Oct. 14.	Milne & Hutchison: printing,	45	7	10
Nov. 23.	Taylor & Henderson: lithographing,	5	5	6
,,	Aberdeen Univ. Press: sundries,	1	17	3
	Carry forward,	£118	19	4

	Brought forward,	£118	19	4	
Dec. 9.	T. & R. Annan & Sons: collotypes,	9	0	0	
,, 16.	Rev. W. Macleod: searches,	0	8	7	
,, 19.	Edmond & Spark: binding,	71	0	9	
	Do. sundries,	1	16	0	
,, 21.	Aberdeen Univ. Press: printing, to account	150	0	0	
					£351 4 8

II. Secretary and Honorary Treasurer.

Secretary's Salary, 1902-1903,	£26	5	0	
Secretary's Postages, 18th Dec., 1902, to date,	9	8	7	
Hon. Treasurer's sundry outlays, including Insurance on paper, etc.,	6	5	9	
				41 19 4

III. Assets as at 21st December, 1903.

Loan to Aberdeen School Board,	£350	0	0	
Loan to Aberdeen Town Council	350	0	0	
Deposit Receipt with Town and County Bank Ltd., being Composition received from nine Life Members,	94	10	0	
Six do., with do.,	537	8	1	
				1331 18 1
Amount of the Discharge, equal to the Charge,				£1725 2 1

Note.—The Miscellaneous Disbursements above are allocated as follows:—

I. "House of Gordon," I.

Printing: to account,	£150	0	0	
Binding,	24	9	7	
Packing, carriage, etc.,	11	6	4½	
				£185 15 11½[1]

[1] Together with £7 7s. 3d. in 1900/01; £24 2s. 10d. in 1901/02, and cost of paper used, £94 5s.: in all £311 11s. 0½d. A small part of the cost of printing has still to be paid.

II. "Records of Elgin," I.

Printing,	£70 7 10		
Illustrations,	14 5 6		
Binding,	23 18 5		
Packing, carriage, etc.,	11 6 4½		
		£129 18 1½[1]	

III. "Bibliography."

Editor's outlays,		2 2 0	

IV. Sundries.

Books of reference,	£1 1 0		
Miscellaneous transcribing, typing, etc.,	27 2 0		
Miscellaneous stationery, postages, etc.,	15 5 7		
		43 8 7	
		£351 4 8	

[1] Together with £145 4s. 10½d. in 1901/02; and cost of additional paper used, £42 13s.; in all £307 16s. But £50 of this amount was defrayed by Colonel G. A. Cooper.

RULES OF THE NEW SPALDING CLUB.

(*As approved 11th November*, 1886, *and amended 16th December*, 1886, *21st December*, 1894, *and 29th December*, 1897.)

1. The objects of the New Spalding Club shall be to promote the study of the History, Topography, and Archæology of the North-eastern Counties of Scotland, and to print works illustrative thereof.

2. The Club shall consist of five hundred [*16th Dec.*, 1886] members, subscribers of one guinea annually: each subscription to be paid on or before the first day of January in each year.

3. The general management of the affairs of the Club shall be vested in a Council, consisting of a President, at least ten Vice-Presidents, and not fewer than forty ordinary members, including a Secretary and a Treasurer: all to be chosen yearly at a General Meeting of the Club, to be held at Aberdeen, in the Month of October, or at such other time within each year as may be found convenient. At all Meetings of the Council seven members shall form a quorum.

4. Immediately after the Annual General Meeting the Council shall elect Acting Committees to carry on the work of the Club.

5. The accounts of the Club shall be audited annually, by two Auditors, to be chosen at the Annual Meeting from among the members.

6. The name of any member in arrear with his annual subscription on the first day of October in each year may be removed from the list of members.

7. Vacancies in the membership shall be filled up according to priority of application.

8. Members may, at any time, compound for all future annual subscriptions, by payment of ten guineas over and above the subscription for the current year; and it shall be in the power of the Council to exempt from subscriptions, annual or other, any member who may present to the Club a work, the printing of which, as a Club publication, has been sanctioned by the Council.

9. Every member shall receive one copy of every volume assigned by the Club to the years for which he has paid subscriptions; and the editor of each work shall receive five additional copies of his work. [The heir, executor

or representative of a member shall have no claim to volumes issued by the Club after the member's death, unless he be admitted a member of the Club in place of the deceased. *21st Dec.*, 1894.]

10. The number of copies printed in each case shall not exceed five hundred and twenty-five, and no copy of any work printed by the Club shall be offered by it for sale; [but it shall be competent for the Editorial Committee to arrange for extra copies not exceeding twenty-five, additional to the five hundred and twenty-five, of any volume considered appropriate, to be placed at the disposal of the University of Aberdeen, which shall refund to the Club the prime cost of such extra copies, and employ them, outwith the bounds of the United Kingdom, as part of a series of inter-academical publications. *29th Dec.*, 1897.]

11. The Club shall undertake the issue of its books without the intervention of publishers or booksellers.

12. A General Meeting of the Club may be called at any time on presentation to the Secretary of a requisition signed by twenty members; and the above rules may be altered at any General Meeting, provided that the members have received from the Secretary at least fourteen days' notice of the proposed change.

WORKS ISSUED BY THE SPALDING CLUB.

1. HISTORY OF SCOTS AFFAIRS, FROM 1638 TO 1641, by James Gordon, Parson of Rothiemay. Edited by Joseph Robertson and George Grub. Vol. I. (Pp. 46 + lxxiv., 193. Rules and List of members, November, 1840.) Qto. Aberdeen,[1] 1841.

2. Do. do. Vol. II. (Pp. xvi. + 283.) 1841.

4. Do. do. Vol. III. (Pp. xxxvi. + 329, with two plates.) 1841.

3. THE MISCELLANY OF THE SPALDING CLUB. Edited by John Stuart. Vol. I. (Pp. 98 + 455, with two plates. Rules and List of members, September, 1841.) 1841. The volume contains:—

i. The Straloch papers.
ii. Necrologia Coenobii Sancti Francisci apud Abredonenses.
iii. Trials for Witchcraft.
iv. Letters from Professor Thomas Blackwell to John Ross of Arnage.
v. Diary of the Reverend William Mitchell, Minister at Edinburgh.
vi. Nepenthes, or the vertues of tabacco, by William Barclay, A.M. and M.D.
vii. March of the Highland Army in the years 1745-46, being the Day book of Captain James Stuart, of Lord Ogilvy's regiment.
viii. Extracts from the Diary of the Reverend John Bisset, Minister at Aberdeen, 1745-46.
ix. Letters from Lord Lewis Gordon and others to James Moir, Laird of Stonywood.

6. Do. do. Vol. II. (Pp. cxlvi. + 426, with two plates.) 1842. The volume contains:—

i. Letters from Simon Lord Lovat to his Kinsman in Aberdeenshire, 1740-45.
ii. The Chronicle of Aberdeen, 1491-1595.
iii. Act for delyverie of dead bodies to the College of Aberdene, 1636.
iv. Decreet of spuilzie of the House of Petty, 1517.
v. Mandate for the extirpation of the Clan Chattan, 1528.
vi. Account of the Watch undertaken by Cluny Macpherson, 1744.
vii. Monymusk papers, 1590-1720.
viii. The Arbuthnott papers, 1487-1681.
ix. Extracts from the Register of the Court of the Regality of Spynie 1592-1601.
x. Selections from the Wodrow manuscripts, 1605-1697.
xi. The Pittodrie papers, 1525-1628.

[1] The size is quarto and the imprint is Aberdeen, unless otherwise stated.

xii. The Erroll papers, 1188-1727.
xiii. Papers by Father Innes.
xiv. The order of combats for life in Scotland.
xv. Memoir of John, second Earl of Perth.
xvi. Bulla Urbani IV., priori et fratribus Monasterii Vallis S. Andree de Pluskardyn Concessa, 1263.

16. Do. do. Vol. III. (Pp. xxx. + 257.) 1846. This volume was presented to the Club by eighteen of its members. It contains:—

i. Letters of Lord Grange.
ii. The Book of the Annualrentaris and Wedsettaris within the Shirrefdome of Abirdein, 1633.
iii. Minutes of the Committee for loan monies and taxations of the Shire of Aberdeen, 1643.
iv. Summons against the Magistrates of Aberdeen, 1591.
v. Process against the Egyptians at Banff, 1700.
vi. Lists of goods plundered from tenants in Cromar, 1644-47.
vii. Protestation by Sir Alexander Irvine of Drum against the Presbytery of Aberdeen, 1652.
viii. The Gordon letters.
ix. Inquisitio facta apud Keandrocht de privilegiis reliquiae Sancti Fillani, 1428.
x. Articles of agreement between the Earl of Huntly and the Regent Murray.

20. Do. do. Vol. IV. (Pp. xcv. + 359.) 1849. The volume contains:—

i. Papers from the charter chest at Dun.
ii. Appendix to the Dun Papers.
iii. Papers from the Charter Chest of the Earl of Airlie at Cortachy Castle.
iv. Papers from the charter chest at Gordon Castle.
v. Two letters of 1746.
vi. Instrumentum super aucis Sancti Cuthberti.

24. Do. do. Vol. V. (Pp. 77 + 427, with one plate.) 1852. The volume contains:—

i. Extracts from the Registers of the burgh of Aberdeen, 1317-1438.
ii. Extracts from the Accounts of the burgh of Aberdeen, 1453-1655.
iii. Letters to Dr. James Fraser.
iv. Documents from the Charter Chest of the Earl of Airlie, 1578-1682.
v. Decreet of the Synod of Perth, in the case between William, bishop of St. Andrews, and Duncan de Aberbuthenoth, A.D. 1206.

vi. Extracts from the Court books of the Baronies of Skene, Leys, and Whitehaugh, 1613-87.
vii. Miscellaneous charters and contracts from copies at Panmure House, made from the original documents.
viii. Birth brieves from the Registers of the Burgh of Aberdeen, 1637-1705.
ix. Missives to the provost, baillies, and council of the burgh of Aberdeen, 1594-1688.
x. Documents relating to Orkney and Shetland, 1438-1563.
xi. Statuta et leges ludi literarii Grammaticorum Aberdonensium, 1553.

5. ABREDONIAE UTRIUSQUE DESCRIPTIO. A DESCRIPTION OF BOTH TOUNS OF ABERDEEN, by James Gordon, Parson of Rothiemay; with a selection of the charters of the burgh. Edited by Cosmo Innes. (Pp. xxviii. + 95, with four plates and map. List of members, September, 1842.) Edinburgh, 1842.

7. EXTRACTS FROM THE PRESBYTERY BOOK OF STRATHBOGIE, 1631-54. Edited by John Stuart. (Pp. xxxi. + 269.) 1843.

8. A FRAGMENT OF A MEMOIR OF FIELD MARSHAL JAMES KEITH, written by himself 1714-34. (Pp. xv. + 124.) Edinburgh, 1843. Presented by Thomas Constable, Esquire.

9. COLLECTIONS FOR A HISTORY OF THE SHIRES OF ABERDEEN AND BANFF. Edited by Joseph Robertson. (Pp. xii. + 658, with a map.) 1843. Presented by the Earl of Aberdeen, President of the Club. The volume contains:—
i. Praefecturarum Aberdonensis et Banfiensis in Scotia Ultra-Montana Nova descriptio, auctore Roberto Gordonio, 1651-60.
ii. Description of Aberdeenshire, by Sir Samuel Forbes of Foveran, 1716-17.
iii. A view of the Diocese of Aberdeen, 1732.

10. A SHORT ABRIDGEMENT OF BRITANE'S DISTEMPER FROM THE YEARE OF GOD 1639 TO 1649, by Patrick Gordoun of Ruthven. Edited by John Dunn. (Pp. xxiv. + 241, with one plate.) 1844.

11. A BREIFFE NARRATION OF THE SERVICES DONE TO THREE NOBLE LADYES BY GILBERT BLACKHALL, 1631-49. Edited by John Stuart. (Pp. xlii. + 224.) 1844.

12. EXTRACTS FROM THE COUNCIL REGISTER OF THE BURGH OF ABERDEEN, 1398-1570. Edited by John Stuart. (Pp. lxxiii. + 478.) 1844.

19. Do. do. Vol. II. 1570-1625. (Pp. lxvi. + 409.) 1848.

13. REGISTRUM EPISCOPATUS ABERDONENSIS: Ecclesie Cathedralis Aberdonensis Regesta que extant in unum collecta. Edited by Cosmo Innes. Vol. I. (Pp. cxxiv. + 459, with five plates.) Edinburgh, 1845.

14. Do. do. Vol. II. (Pp. xiii. + 25 + 383, with fourteen plates.) Edinburgh, 1845. These two volumes were issued in co-operation with the Maitland Club. The printing of a third volume was begun, but was abandoned after 32 pp. had been put in type.

15. SELECTIONS FROM THE RECORDS OF THE KIRK SESSION, PRESBYTERY AND SYNOD OF ABERDEEN. Edited by John Stuart. (Pp. xcv. + 353. List of members, April, 1846.) 1846. Presented by the Earl of Ellesmere.

17. ILLUSTRATIONS OF THE TOPOGRAPHY AND ANTIQUITIES OF THE SHIRES OF ABERDEEN AND BANFF. Edited by Joseph Robertson. Vol. II. (Pp. xlvii. + 448.) 1847.

29. Do. do. Vol. III. (Pp. lxiv. + 597.) 1857.

32. Do. do. Vol. IV. (Pp. cxxxi. + 783.) 1862. The printing of a fifth volume was begun, but was abandoned after a few pages had been put in type.

37. Do. do. Vol. I. Edited by George Grub. (Pp. lxxiii. + 242.) 1869. This volume contains the General Preface and Index, which somewhat inconsistently refers to the COLLECTIONS (*supra*, No. 9) as Volume I. A few copies of pp. i-lxix (repaged [1]-[69]) were issued with a separate title-page: "PREFACE BY GEORGE GRUB, LL.D., TO THE COLLECTIONS . . . AND ILLUSTRATIONS. . . . Aberdeen, 1869."

18. A GENEALOGICAL DEDUCTION OF THE FAMILY OF ROSE OF KILRAVOCK. Edited by Cosmo Innes. (Pp. 8 + 531, with two plates.) Edinburgh, 1848.

21. MEMORIALLS OF THE TROUBLES IN SCOTLAND AND ENGLAND, 1624-45, by John Spalding. Edited by John Stuart. Vol. I. (Pp. xxii. + 448.) 1850.

23. Do. do. Vol. II. (Pp. viii. + 552.) 1851. These two volumes were presented by Lord Saltoun.

22. LETTERS ILLUSTRATIVE OF PUBLIC AFFAIRS IN SCOTLAND ADDRESSED BY CONTEMPORARY STATESMEN TO GEORGE, EARL OF ABERDEEN, 1681-84. Edited by John Dunn. (Pp. l. + 185.) 1851. Presented by Sir Robert Abercromby, Bart. of Birkenbog.

25. THE CIVIL AND ECCLESIASTICAL HISTORY OF SCOTLAND, A.D. 80-818, by Thomas Innes. Edited by George Grub. (Pp. lxiv. + 340.) 1853.

26. FASTI ABERDONENSES: Selections from the Records of the University and King's College of Aberdeen, 1494-1854. Edited by Cosmo Innes. (Pp. x. + lxxxix. + 59 + 691, with one plate.) 1854. Presented by the Earl of Aberdeen, President. A few copies on large paper with the plate coloured.

27. SCULPTURED STONES OF SCOTLAND. Edited by John Stuart. Vol. I. (Folio, pp. xxx. + 44, with 138 plates.) 1856.

35. Do. do. Vol. II. (Folio, pp. 52 + cii. + 87, with 168 plates.) Edinburgh, 1867.

28. THE BRUS, from a collation of the Cambridge and Edinburgh manuscripts. Edited by Cosmo Innes. (Pp. xliv. + 524.) 1856.

30. THE BOOK OF THE THANES OF CAWDOR, 1236-1742. Edited by Cosmo Innes. (Pp. lxxvii. + 471, with five plates.) Edinburgh, 1859. Presented by the Earl of Cawdor.

31. PASSAGES FROM THE DIARY OF GENERAL PATRICK GORDON OF AUCHLEUCHRIES, 1635-99. Edited by Joseph Robertson. (Pp. xxxvi. + 244, with one plate.) 1859. Presented by Beriah Botfield, Esquire.

33. THE DIARY OF ALEXANDER BRODIE OF BRODIE, 1652-80, AND OF HIS SON JAMES BRODIE OF BRODIE, 1680-85. Edited by David Laing. (Pp. lxxvi. + 560.) 1863.

34. ANE ACCOUNT OF THE FAMILIE OF INNES, compiled by Duncan Forbes of Culloden, 1698. Edited by Cosmo Innes. (Pp. ix. + 286, with one plate.) 1864.

36. THE BOOK OF DEER. Edited by John Stuart. (Pp. clxix. + 95, with twenty-five plates.) Edinburgh, 1869. A few copies on large paper.

38. NOTICES OF THE SPALDING CLUB, 1839-71. Edited by John Stuart. (Pp. vi. + 145, with two plates. List of members, 1839-71.) Edinburgh, 1871.

ANNUAL REPORTS OF THE SPALDING CLUB, 1839-69. (Pp. 160.)

WORKS UNIFORM WITH THE ABOVE, BUT NOT FORMING PART OF THE SERIES.

A. LIST OF POLLABLE PERSONS WITHIN THE SHIRE OF ABERDEEN, 1696. Edited by John Stuart. 2 vols. (Pp. xxiv. + 1309.) 1844.

B. ESSAYS CHIEFLY ON SCOTTISH ANTIQUITIES. By John Stuart of Inchbreck. (Pp. xxix. + 116.) 1846.

C. BREVIARIUM ABERDONENSE. Edited by David Laing. 2 vols. (Pp. 1444.) 1852-54.

D. DIARY OF ALEXANDER JAFFRAY, PROVOST OF ABERDEEN. Edited by John Barclay. (Pp. 451.) 1856.

E. DEEDS OF FOUNDATION OF BURSARIES AT THE UNIVERSITY AND KING'S COLLEGE OF ABERDEEN. (Pp. 68.) 1857.

F. MEMORANDA RELATING TO THE FAMILY OF FORBES OF WATERTON. By John Forbes. (Pp. 61, with five plates.) 1857.

WORKS ISSUED BY THE NEW SPALDING CLUB.

1. MEMORIALS OF THE FAMILY OF SKENE OF SKENE, FROM THE FAMILY PAPERS, WITH OTHER ILLUSTRATIVE DOCUMENTS. Edited by William Forbes Skene, D.C.L., LL.D., Her Majesty's Historiographer for Scotland. (Pp. xv. + 269, with six full-page plates. First Annual Report.) 1887. [*Out of print.*]

2. CARTULARIUM ECCLESIAE SANCTI NICHOLAI ABERDONENSIS. Recognovit Jacobus Cooper, S.T.D., in Ecclesia supradicta Presbyter. Tomus prior. (Pp. xix. + 278, with three plates. List of members, 11th November, 1887.) 1888. [*Out of print.*]

7. Do. do. Tomus alter. (Pp. lxvi. + 496, with twelve plates, eight in colour.) 1892. [10*s.* 6*d.*]

3. LACUNAR BASILICAE SANCTI MACARII ABERDONENSIS: The Heraldic Ceiling of the Cathedral Church of St. Machar, Old Aberdeen. Described in Historical and Armorial Detail by William Duguid Geddes, LL.D., and Peter Duguid. (Pp. xix. + 172, with thirty plates, twenty-four in heraldic colours. Second Annual Report.) 1888. [*Out of print.*]

4. FASTI ACADEMIAE MARISCALLANAE: Selections from the Records of the Marischal College and University, 1593-1860. Edited by Peter John Anderson, M.A., LL.B. Vol. I. Endowments. (Pp. xxxi. + 577, with five plates.) 1889. [*Out of print.*]

18. Do. do. Vol. II. Officers, Graduates and Alumni. (Pp. xxii. + 596, with thirteen plates.) 1898. [10*s.* 6*d.*] Fifty copies of pp. 1-77 printed on ordinary paper with separate title-page: "OFFICERS OF THE MARISCHAL COLLEGE AND UNIVERSITY OF ABERDEEN, 1593-1860. Printed at the University Press, 1897."

19. Do. do. Vol. III. Index to Vol. II. Compiled by James F. Kellas Johnstone. (Pp. viii. + 196, with three plates. Eleventh and Twelfth Annual Reports. List of members, 1894-98.) 1898. [10*s.* 6*d.*]

5. SELECTIONS FROM WODROW'S BIOGRAPHICAL COLLECTIONS: Divines of the North-east of Scotland. Edited by the Rev. Robert Lippe. (Pp. lxxxv. + 360, with two plates. Third Annual Report.) 1890. [*Out of print.*]

6. THE MISCELLANY OF THE NEW SPALDING CLUB. Vol. I. (Pp. lxii. + 391. Fourth Annual Report. List of members, 12th December, 1890.) 1890. [*Out of print.*] This volume contains:—

   i. Register of burgesses of guild and trade of the Burgh of Aberdeen. Edited by Alexander M. Munro. A few copies printed with separate title-page.

   ii. Inventories of ecclesiastical records of N.E. Scotland. Edited by Peter J. Anderson. A few copies printed with separate title-page.

8. THE ANNALS OF BANFF. Compiled by William Cramond, LL.D., Schoolmaster of Cullen. Vol. I. (Pp. xv. + 385, with nine plates.) 1891. [*Out of print.*]

10. Do. do. Vol. II. (Pp. xi. + 498, with eleven plates. Sixth Annual Report.) 1893. [*Out of print.*]

9. MUSA LATINA ABERDONENSIS: Edited by Sir William Duguid Geddes, LL.D. Arthur Johnston. Vol. I. The Parerga of 1637. (Pp. xxiv. + 318, with six plates. Fifth Annual Report.) 1892. [*Out of print.*]

15. Do. do. Vol. II. The Epigrammata and remaining secular Poems. (Pp. lvi. + 308, with nine plates. Eighth Annual Report.) 1895. [*Out of print.*] Sixteen copies of pp. xli-lvi (with alterations and additions) printed on Japanese vellum, with separate title-page: "THE BIBLIOGRAPHY AND PORTRAITS OF ARTHUR JOHNSTON. . . . By William Johnston, M.A., M.D. . . . Printed at the University Press, 1896." (Pp. 28.)

8vo. HAND-LIST OF BIBLIOGRAPHY OF THE SHIRES OF ABERDEEN, BANFF AND KINCARDINE. By Alexander W. Robertson, M.A. (Pp. 133 + iv.) 1893. [2s. 6*d*.]

11. OFFICERS AND GRADUATES OF UNIVERSITY AND KING'S COLLEGE, ABERDEEN, 1495-1860. Edited by Peter John Anderson, M.A., LL.B. (Pp. xx. + 399, with four plates.) 1893. [10s. 6*d*.] Fifty copies of pp. 1-94 printed on ordinary paper, with separate title-page: "LISTS OF OFFICERS, UNIVERSITY AND KING'S COLLEGE, ABERDEEN, 1495-1860. P. J. A. Printed at the University Press, 1893."

12. HECTORIS BOETII MURTHLACENSIUM ET ABERDONENSIUM EPISCOPORUM VITAE. Edited and Translated by James Moir, M.A., LL.D., Co-Rector of Aberdeen Grammar School. (Pp. xx. + 210, with two plates. Seventh Annual Report. List of members, 30th June, 1894.) 1894. [10s. 6*d*.]

13. THE RECORDS OF ABOYNE, 1230-1681. Edited by Charles, 11th Marquis of Huntly, Earl of Aboyne, etc., P.C., LL.D. (Pp. xliv. + 590, with eleven plates.) 1894. [21s.]

14. HISTORICAL PAPERS RELATING TO THE JACOBITE PERIOD, 1699-1750. Edited by Colonel James Allardyce, LL.D. Vol. I. (Pp. l. + 338, with eleven plates.) 1895. [*Out of print.*]

16. Do. do. Vol. II. (Pp. lii. + 314, with twelve plates. Ninth Annual Report.) 1896. [*Out of print.*] Fifty copies of pp. x-xxxix, 339-486 (repaged as pp. xiv-xliii, 3-150) printed on ordinary paper, with separate title-page: "PRINCE CHARLIE'S FRIENDS OR JACOBITE INDICTMENTS. Edited by D. Murray Rose. Printed for private circulation, 1896."

17. THE RECORDS OF THE MEETING OF THE EXERCISE OF ALFORD, 1662-88. Edited by Rev. Thomas Bell. (Pp. xlix. + 439. Tenth Annual Report.) 1897. [10s. 6*d*.]

20. RECORDS OF OLD ABERDEEN, 1157-1891. Edited by Alexander M. Munro, F.S.A. Scot. Vol. I. (Pp. xxxvi. + 390, with six plates.) 1899. [10s. 6*d*.]

21. THE PLACE NAMES OF WEST ABERDEENSHIRE. By the late James Macdonald, F.S.A. Scot. (Pp. xxvii. + 347. Thirteenth Annual Report.) 1899. [10s. 6*d*.]

22. THE FAMILY OF BURNETT OF LEYS WITH THE COLLATERAL BRANCHES. From the MSS. of the late George Burnett, LL.D., Lyon King of Arms. Edited

by Colonel James Allardyce, LL.D. (Pp. xxiii. + 367, with twenty-one plates. Fourteenth Annual Report.) 1901. [10s. 6d.]

23. THE RECORDS OF INVERCAULD, 1547-1818. Edited by the Rev. John Grant Michie, M.A., Minister of Dinnet. (Pp. xi. + 523, with nine plates.) 1901. [10s. 6d.]

24. THE ALBEMARLE PAPERS, 1746-48. Edited by Charles Sanford Terry, M.A. Vol. I. (Pp. xxvii. + 385, with five plates.) 1902. [21s.]

25. Do. do. Vol. II. (Pp. lxiii. + 188, with three plates. Fifteenth Annual Report.) 1902. [10s. 6d.]

26. THE HOUSE OF GORDON. Edited by John Malcolm Bulloch, M.A. Vol. I. (Pp. lxxviii. + 533.) 1903. [10s. 6d.] This volume contains the following fasciculi; with independent paginations :—

i. Bibliography of Gordon Genealogy. (Pp. xlv.)
ii. The Balbithan MS. (Pp. 68.)
iii. Abergeldie, by the Editor. (Pp. 48.)
iv. Coclarachie, by Rev. Stephen Ree, B.D. (Pp. 48.)
v. Gight, by the Editor. (Pp. 146.)
vi. Lists of Gordons in Scotland. (Pp. 223.)

27. THE RECORDS OF ELGIN, 1234-1800. Compiled by William Cramond, LL.D. Vol. I. (Pp. xi. + 509.) 1903. [10s. 6d.]

THE RECORDS OF THE SHERIFFDOM OF ABERDEEN. Edited by David Littlejohn, LL.D. Vol. I. (*In the Press.*)

THE RECORDS OF THE SCOTS COLLEGE AT DOUAI, 1581-1772. Edited by the Rev. William Forbes Leith, S.J. (*In the Press.*)

WORKS UNIFORM WITH THE ABOVE, BUT NOT FORMING PART OF THE SERIES.

A. DESCENT OF THE FAMILY OF SKENE (CHART). Compiled by Henry John Trotter, M.P. 1888. [*Presented by the Compiler to accompany No. 1, supra.*]

B. THE ARMORIAL ENSIGNS OF THE ROYAL BURGH OF ABERDEEN. By John Cruickshank. (Pp. xxv. + 121, with fourteen plates.) 1888.

C. CHARTERS AND OTHER WRITS ILLUSTRATING THE HISTORY OF THE ROYAL BURGH OF ABERDEEN, 1171-1804. Edited with translations by Peter John Anderson. (Pp. xxxv. + 466, with five plates.) 1890.

D. THE THANAGE OF FERMARTYN. By the Rev. William Temple, D.D. (Pp. xvi. + 710, with one plate.) 1894.

E. GENEALOGICAL TREE OF THE FAMILY OF BURNETT OF LEYS WITH THE COLLATERAL BRANCHES (CHART). Compiled by William Kendall Burnett, M.A. 1893. [*Presented by the Compiler to accompany No. 22, supra.*]

ABERDEEN UNIVERSITY STUDIES.

ISSUED IN CONJUNCTION WITH THE NEW SPALDING CLUB.

1. ROLL OF ALUMNI IN ARTS OF THE UNIVERSITY AND KING'S COLLEGE OF ABERDEEN, 1596-1860. Edited by Peter John Anderson, LL.B. (Pp. xvi. + 275, with two plates.) 1900. [10s. 6*d*.]
2. New Spalding Club issue No. 20 (25 copies only).
3. Do. No. 21 do.
4. Do. No. 22 do.
5. Do. No. 23 do.
6. RECTORIAL ADDRESSES DELIVERED IN THE UNIVERSITIES OF ABERDEEN, 1835-1900. Edited by Peter John Anderson, LL.B. (Pp. 10 + 396, with seven plates.) 1902. [10s. 6*d*.]
7. New Spalding Club issue Nos. 24, 25 (25 copies only).
8. Do. No. 26 do.
9. Do. No. 27 do.
10. ROLL OF GRADUATES OF THE UNIVERSITY OF ABERDEEN, 1860-1900. Edited by Colonel William Johnston, C.B. [*In preparation.*]

THE NEW SPALDING CLUB.

The Spalding Club, founded 23rd December, 1839.

The New Spalding Club, re-constituted 11th November, 1886.

PATRON:

His Majesty the King.

PRESIDENT:

THE RIGHT HON. THE EARL OF ABERDEEN, G.C.M.G.

LIST OF MEMBERS,

31st December, 1903.

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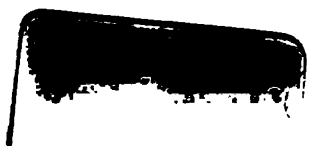
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